

ZONING BOARD OF ADJUSTMENT, PANEL B
WEDNESDAY, MAY 22, 2013
AGENDA

BRIEFING	ROOM 6/E/S, 1500 MARILLA STREET	11:00 A.M.
PUBLIC HEARING	ROOM 6/E/S, 1500 MARILLA STREET	1:00 P.M.

David Cossum, Assistant Director
Steve Long, Board Administrator

MISCELLANEOUS ITEMS

Approval of the Wednesday, April 17, 2013 Board of Adjustment Public Hearing Minutes	M1
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UNCONTESTED CASES

BDA 123-040	3231 S. Lancaster Road REQUEST: Application of Karen J. Hutton, represented by Ben Berry, for a special exception to the off-street parking regulations	1
BDA 123-049	4525 McKinney Avenue REQUEST: Application of Ed Simons of Masterplan for a special exception to the landscape regulations	2
BDA 123-051	7743 Goforth Circle REQUEST: Application of Cash McElroy for a variance to the front yard setback regulations	3

HOLDOVER CASE

BDA 123-035	4429 Pomona Road (AKA 8305 Catawba) REQUEST: Application of Thomas Bowen Wright for a variance to the front yard setback regulations	4
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REGULAR CASE

BDA 123-052

2001 McKinney Avenue (AKA 2222 N. Harwood Street)
REQUEST: Application of Jonathan Vinson for a
variance to the height regulations and a special
exception to the landscape regulations

5

EXECUTIVE SESSION NOTICE

The Commission/Board may hold a closed executive session regarding any item on this agenda when:

1. seeking the advice of its attorney about pending or contemplated litigation, settlement offers, or any matter in which the duty of the attorney to the Commission/Board under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with the Texas Open Meetings Act. [Tex. Govt. Code §551.071]
2. deliberating the purchase, exchange, lease, or value of real property if deliberation in an open meeting would have a detrimental effect on the position of the city in negotiations with a third person. [Tex. Govt. Code §551.072]
3. deliberating a negotiated contract for a prospective gift or donation to the city if deliberation in an open meeting would have a detrimental effect on the position of the city in negotiations with a third person. [Tex. Govt. Code §551.073]
4. deliberating the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee; or to hear a complaint or charge against an officer or employee unless the officer or employee who is the subject of the deliberation or hearing requests a public hearing. [Tex. Govt. Code §551.074]
5. deliberating the deployment, or specific occasions for implementation, of security personnel or devices.. [Tex. Govt. Code §551.076]
6. discussing or deliberating commercial or financial information that the city has received from a business prospect that the city seeks to have locate, stay, or expand in or near the city and with which the city is conducting economic development negotiations; or deliberating the offer of a financial or other incentive to a business prospect. [Tex. Govt. Code §551.086]

MISCELLANEOUS ITEM NO. 1

To approve the Board of Adjustment Panel April 17, 2013 public hearing minutes.

FILE NUMBER: BDA 123-040

BUILDING OFFICIAL'S REPORT: Application of Karen J. Hutton, represented by Ben Berry, for a special exception to the off-street parking regulations at 3231 S. Lancaster Road. This property is more fully described as Lot 18A, Block 6/4058 and is zoned CR, which requires that parking be provided. The applicant proposes to construct and/or maintain a structure for a general merchandise or food store greater than 3,500 square feet use and provide 28 of the required 34 off-street parking spaces, which will require a special exception to the off-street parking regulations of 6 spaces.

LOCATION: 3231 S. Lancaster Road

APPLICANT: Karen J. Hutton
Represented by Ben Berry

REQUEST:

A special exception to the off-street parking regulations of 6 parking spaces (or an 18 percent reduction of the 34 off-street parking spaces that are required) is made in conjunction with constructing and maintaining an approximately 6,800 square foot "general merchandise or food store greater than 3,500 square feet" use (O'Reilly Auto Parts). The applicant proposes to provide 28 (or 82 percent) of the required 34 off-street parking spaces in conjunction with maintaining this use with this square footage on the property that is currently developed with a vacant restaurant use that the applicant intends to demolish.

STANDARD FOR A SPECIAL EXCEPTION TO THE OFF-STREET PARKING REGULATIONS:

- 1) The Board of Adjustment may grant a special exception to authorize a reduction in the number of off-street parking spaces required under this article if the board finds, after a public hearing, that the parking demand generated by the use does not warrant the number of off-street parking spaces required, and the special exception would not create a traffic hazard or increase traffic congestion on adjacent and nearby streets. The maximum reduction authorized by this section is 25 percent or one space, whichever is greater, minus the number of parking spaces currently not provided due to delta credits, as defined in Section 51A-4.704(b)(A). For the commercial amusement (inside) use and the industrial (inside) use, the maximum reduction authorized by this section is 75 percent or one space, whichever is greater, minus the number of parking spaces currently not provided due to delta credits, as defined in Section 51A-4.704(b)(4)(A). For the office use, the maximum reduction authorized by this section is 35 percent or one space, whichever is greater, minus the number of parking spaces currently not provided due to delta

credits, as defined in Section 51A-4.704(b)(4)(A). Applicants may seek a special exception to the parking requirements under this section and an administrative parking reduction under Section 51A-4.313. The greater reduction will apply, but the reduction may not be combined.

- 2) In determining whether to grant a special exception, the board shall consider the following factors:
 - (A) The extent to which the parking spaces provided will be remote, shared, or packed parking.
 - (B) The parking demand and trip generation characteristics of all uses for which the special exception is requested.
 - (C) Whether or not the subject property or any property in the general area is part of a modified delta overlay district.
 - (D) The current and probable future capacities of adjacent and nearby streets based on the city's thoroughfare plan.
 - (E) The availability of public transit and the likelihood of its use.
 - (F) The feasibility of parking mitigation measures and the likelihood of their effectiveness.
- 3) In granting a special exception, the board shall specify the uses to which the special exception applies. A special exception granted by the board for a particular use automatically and immediately terminates if and when that use is changed or discontinued.
- 4) In granting a special exception, the board may:
 - (A) Establish a termination date for the special exception or; otherwise provide for the reassessment of conditions after a specified period of time;
 - (B) Impose restrictions on access to or from the subject property; or
 - (C) Impose any other reasonable conditions that would have the effect of improving traffic safety or lessening congestion on the streets.
- 5) The board shall not grant a special exception to reduce the number of off-street parking spaces required in an ordinance granting or amending a specific use permit.
- 6) The board shall not grant a special exception to reduce the number of off-street parking spaces expressly required in the text or development plan of an ordinance establishing or amending regulations governing a specific planned development district. This prohibition does not apply when:
 - (A) the ordinance does not expressly specify a minimum number of spaces, but instead simply makes references to the existing off-street parking regulations in Chapter 51 or this chapter; or
 - (B) the regulations governing that specific district expressly authorize the board to grant the special exception.

STAFF RECOMMENDATION:

Approval, subject to the following condition:

- The special exception of 6 spaces shall automatically and immediately terminate if and when the “general merchandise or food store greater than 3,500 square feet” use is changed or discontinued.

Rationale:

- The applicant has substantiated how the parking demand generated by the proposed “general merchandise or food store greater than 3,500 square feet” use does not warrant the number of off-street parking spaces required, and the special exception would not create a traffic hazard or increase traffic congestion on adjacent and nearby streets.
- The Sustainable Development and Construction Department Engineering Division Assistant Director has indicated that he has no objections to this request.

BACKGROUND INFORMATION:

Zoning:

Site: CR (Community retail)
North: CR (Community retail)
South: CR (Community retail)
East: PD 426 (Planned Development)
West: CR (Community retail)

Land Use:

The subject site is currently developed with a vacant restaurant use/structure. The areas to the north, east, south, and west are developed mostly as commercial and retail uses.

Zoning/BDA History:

There has not been any recent related board or zoning cases recorded either on or in the immediate vicinity of the subject site.

Timeline:

- January 23, 2013: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.
- April 16, 2013: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel B.
- April 16, 2013: The Board Administrator emailed the applicant’s representative the following information:
- an attachment that provided the public hearing date and panel that will consider the application; the May 1st deadline to submit additional evidence for staff to factor into their analysis; and the May 10th deadline to submit additional evidence to be incorporated into the Board’s docket materials;

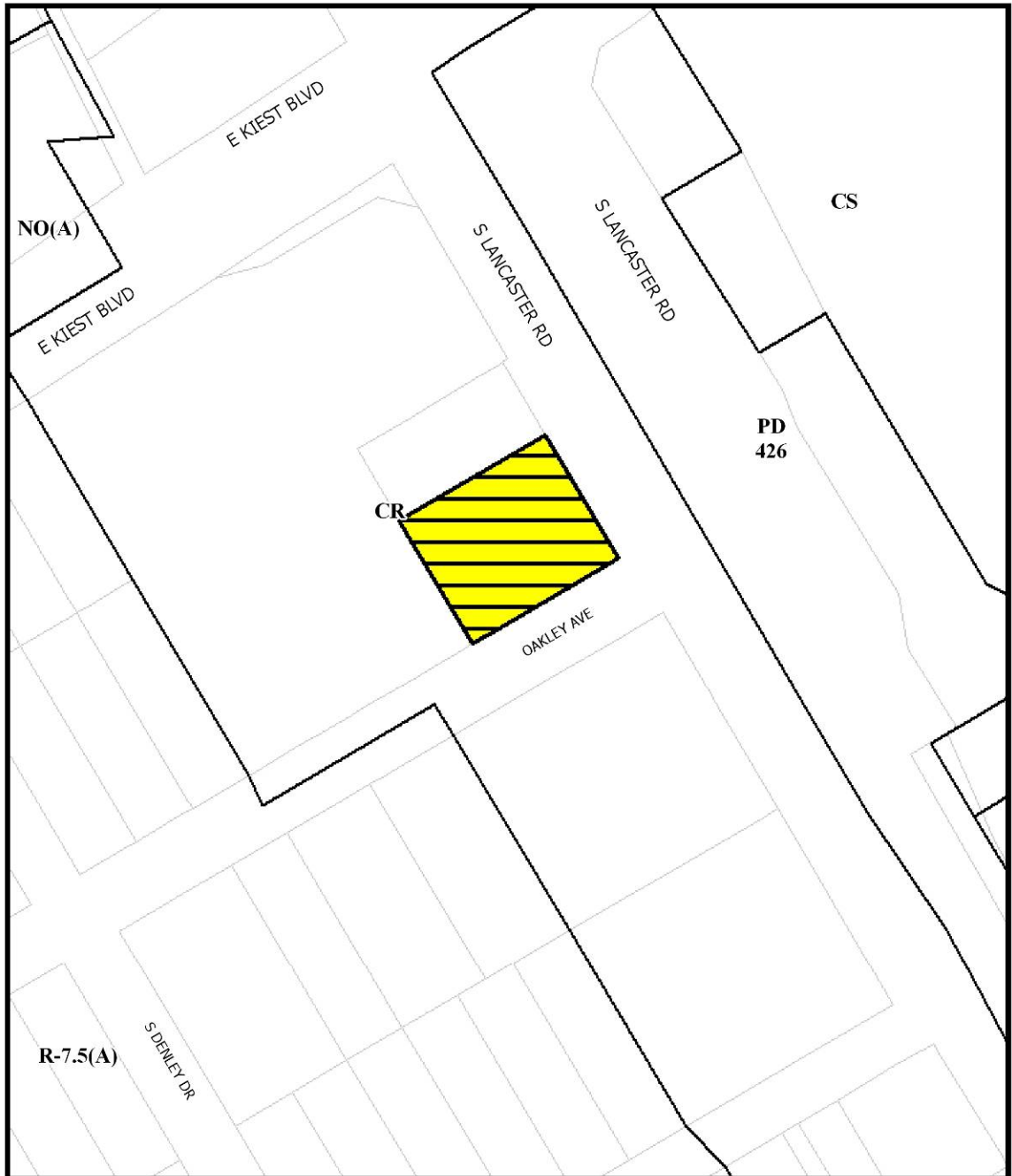
- the criteria/standard that the board will use in their decision to approve or deny the request; and
- the Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.

May 7, 2013: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for May public hearings. Review team members in attendance included: the Sustainable Development and Construction Department Current Planning Division Assistant Director, the Sustainable Development and Construction Department Engineering Division Assistant Director, the Sustainable Development and Construction Department Chief Planner, the Board Administrator, the Building Inspection Senior Plans Examiner/Development Code Specialist, the Chief Arborist, and the Assistant City Attorney to the Board.

May 10, 2013: The Sustainable Development and Construction Department Engineering Division Assistant Director submitted a review comment sheet marked “Has no objections.”

GENERAL FACTS/STAFF ANALYSIS:

- This request focuses on constructing and maintaining an approximately 6,800 square foot “general merchandise or food store use 3,500 square feet or less” use (O’Reilly Auto Parts) where 28 (or 82 percent) of the required 34 off-street parking spaces are proposed to be provided on a site currently developed with a vacant restaurant use that the applicant intends to demolish.
- The Dallas Development Code requires the following off-street parking requirement:
 - General merchandise or food store greater than 3,500 square feet use: 1 space per 200 square feet of floor area with uses less than 10,000 square feet of floor area.
- The Sustainable Development and Construction Department Project Engineer submitted a review comment sheet marked “Has no objections.”
- The applicant has the burden of proof in establishing the following:
 - The parking demand generated by the general merchandise or food store greater than 3,500 square feet use on the site does not warrant the number of off-street parking spaces required, and
 - The special exception of 6 spaces (or a 18 percent reduction of the required off-street parking) would not create a traffic hazard or increase traffic congestion on adjacent and nearby streets.
- If the Board were to grant this request, and impose the condition that the special exception of 6 spaces shall automatically and immediately terminate if and when the general merchandise or food store greater than 3,500 square feet use is changed or discontinued, the applicant would be allowed to construct/maintain the site with this specific use and size and provide only 28 of the 34 code required off-street parking spaces.



1:1,200

ZONING MAP

Case no: BDA123-040

Date: 5/1/2013



1:1,200

AERIAL MAP

Case no: **BDA123-040**

Date: **5/1/2013**



B

APPLICATION/APPEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 123-040

Data Relative to Subject Property:

Date: 01/23/2013

Location address: 3231S Lancaster Road Zoning District: GR

Lot No.: 18A Block No.: 6/4058 Acreage: 0.54 Census Tract: 57.00

Street Frontage (in Feet): 1) ~~75~~ 110' 2) 135' 3) _____ 4) _____ 5) _____

SW12

To the Honorable Board of Adjustment :

Owner of Property/or Principal: Hutton Growth One, LLC

Applicant: Karen J. Hutton Telephone: 423-756-9267

Mailing Address: 736 Cherry St Chattanooga TN Zip Code: 37402

Represented by: Ben Berry Telephone: 423 698 2667

Mailing Address: 915 Creekside Dr Chattanooga TN Zip Code: 37406 *790-5880*

Affirm that a request has been made for a Variance, or Special Exception X, of 6 spaces, providing 29 of the required 34 off-street parking spaces per the zoning code. for a general merchandise of food store greater than 3500 sq ft.

Application is now made to the Honorable Board of Adjustment, in accordance with the provisions of the Dallas Development Code, to grant the described request for the following reason: As further detailed within the provided parking study report; the provided 29 parking spaces are adequate due to the large percentage of non-sales area within the building and the low traffic generating nature of retail auto parts stores. Additionally, the close proximity of the Dallas Area Rapid Transit Station will likely have an additional decrease in parking demand. Granting this special exception should not negatively affect adjacent businesses.

Note to Applicant: If the relief requested in this application is granted by the Board of Adjustment, said permit must be applied for within 180 days of the date of the final action of the Board, unless the Board specifically grants a longer period.

Respectfully submitted: Karen J. Hutton
Applicant's name printed

[Handwritten signature of Karen J. Hutton]
Applicant's signature

Affidavit

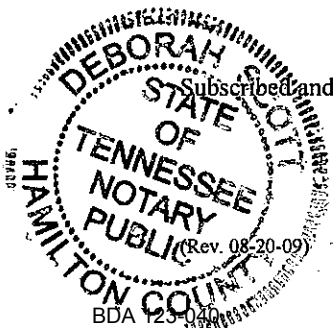
Before me the undersigned on this day personally appeared Karen J. Hutton who on (his/her) oath certifies that the above statements are true and correct to his/her best knowledge and that he/she is the owner/or principal/or authorized representative of the subject property.

[Handwritten signature of Karen J. Hutton]
Affiant (Applicant's signature)

Subscribed and sworn to before me this 20th day of February, 2013

[Handwritten signature of Notary Public]
Notary Public in and for Dallas County, Texas
Hamilton Tennessee

my commission expires: 3-4-2014



MEMORANDUM OF
ACTION TAKEN BY THE
BOARD OF ADJUSTMENT

Date of Hearing _____

Appeal was--Granted OR Denied

Remarks _____

Chairman

Building Official's Report

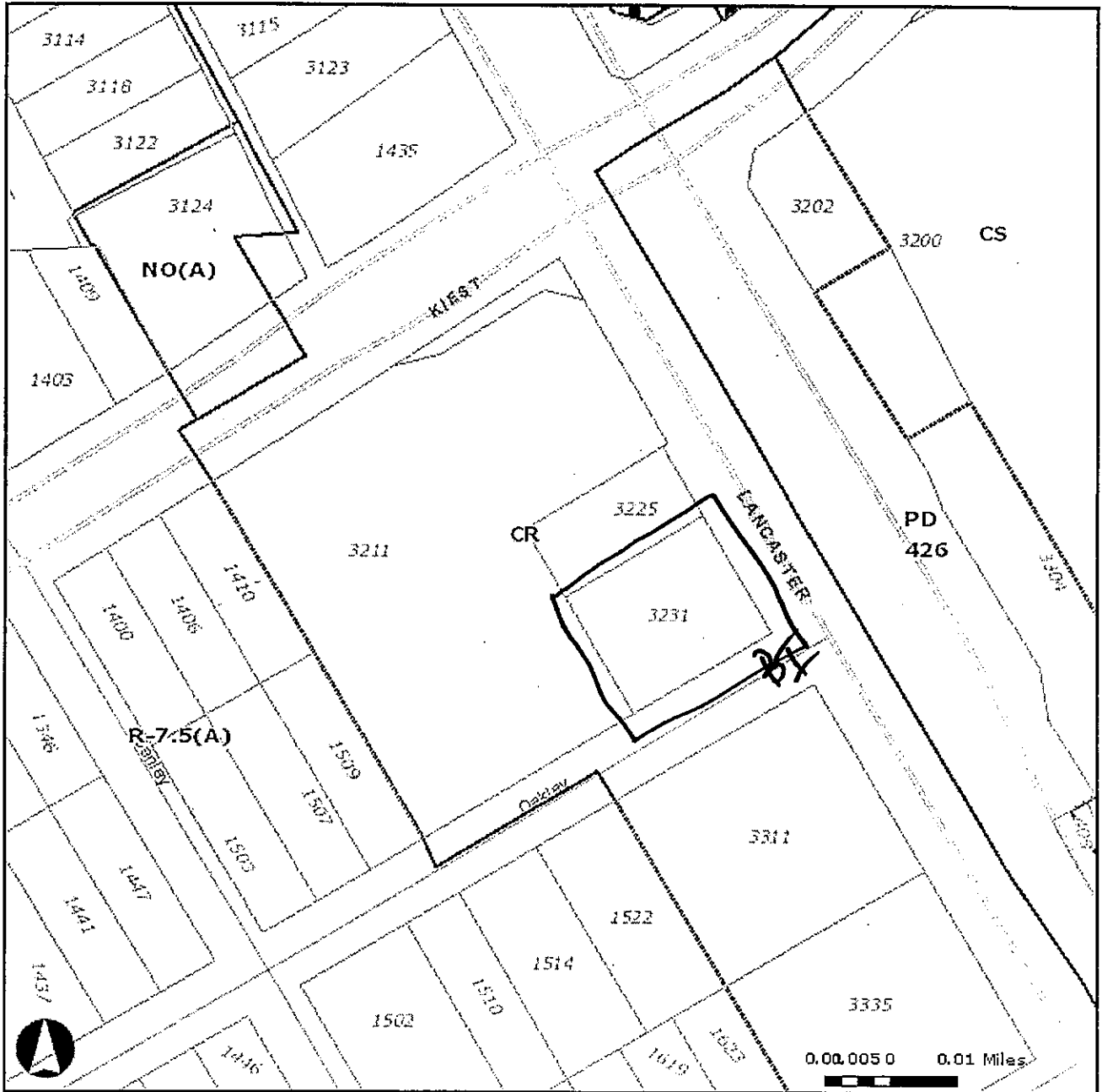
I hereby certify that Karen J. Hutton
represented by Ben Berry
did submit a request for a special exception to the parking regulations
at 3231 S. Lancaster Road

BDA123-040. Application of Karen J. Hutton represented by Ben Berry for a special exception to the parking regulations at 3231 S. Lancaster Road. This property is more fully described as Lot 18A, Block 6/4058 and is zoned CR, which requires parking to be provided. The applicant proposes to construct a nonresidential structure for a general merchandise or food store greater than 3500 square feet use and provide 29 of the required 34 parking spaces, which will require a 6 space special exception (17.6% reduction) to the parking regulation.

Sincerely,


Larry Holmes, Building Official

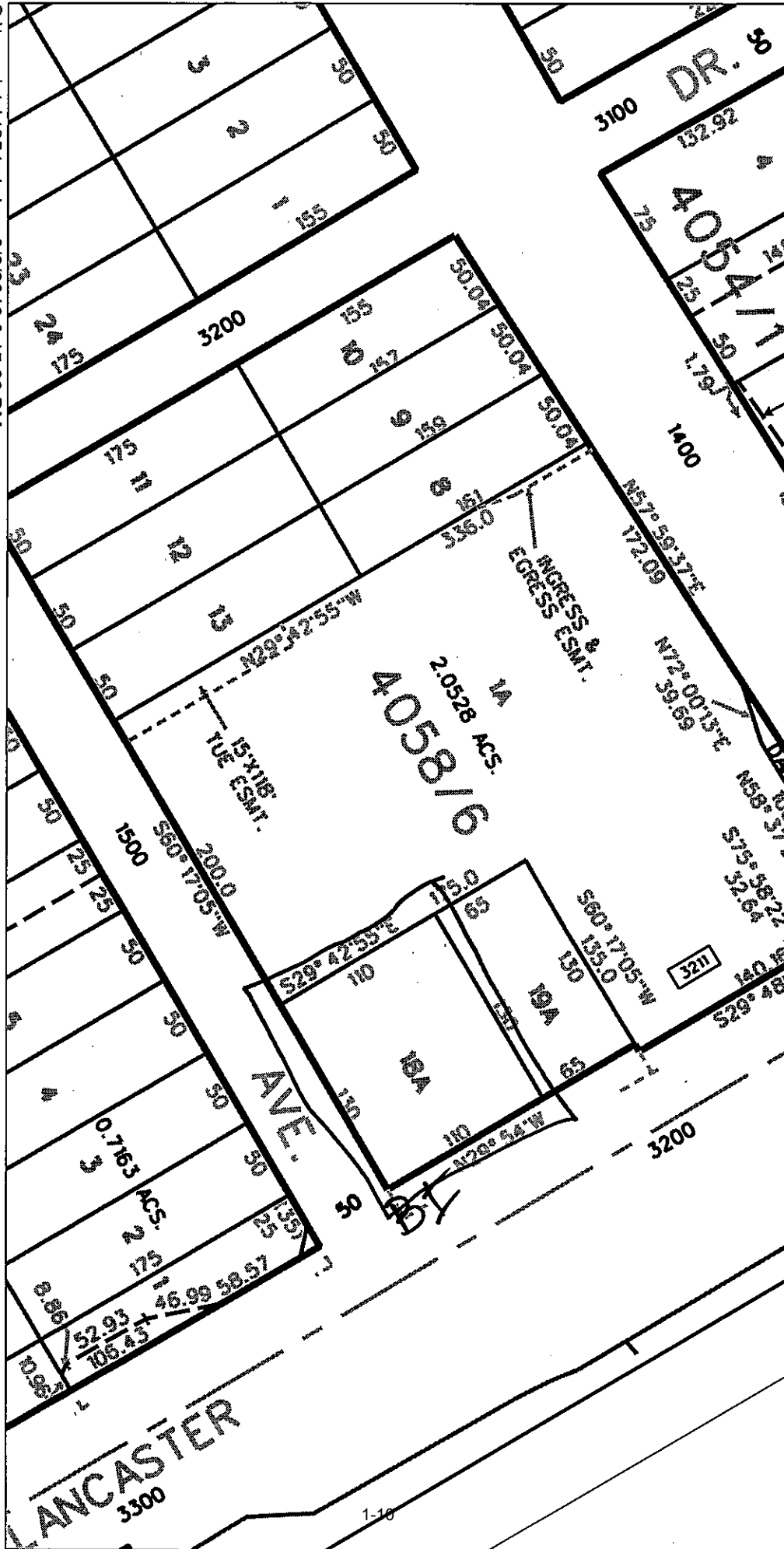
City of Dallas Zoning



- City Boundaries
 - County
 - Certified Parcels
 - DISD Sites
 - Council Districts
 - Waterways
 - Parks
- BDA 123-040

- Dry Overlay
-
- Historic Overlay
- Historic Subdistricts
- NSO Overlay
- NSO Subdistricts
- MD Overlay

- Base Zoning
- Floodplain
- 100 Flood Zone
- Mill's Creek
- Peak's Branch
- X PROTECTED BY LEVEE
- Pedestrian Overlay
- CP
- SP
- Environmental Corridors



MILLER-McCOY, INC.
CONSULTING ENGINEERS
915 CREEKSIDE ROAD CHATTANOOGA, TENNESSEE 37406
PHONE (423) 698-2661 FAX (423) 698-2664

February 20, 2013

Mr. Todd Duerksen
City of Dallas
Board of Adjustment
320 E Jefferson Blvd., Room 105
Dallas, TX 75203

Dear Mr. Duerksen,

This letter is an official request for a special exception for off-street parking requirements from the City of Dallas for the development of an O'Reilly Auto Parts adjacent to Walgreens at the corner of Lancaster Road and Oakley Avenue. The current site plan design is a redevelopment of 0.54 acres and provides 28 parking spaces. Eight (8) parking spaces will be provided on lot 18A, while the remaining twenty (20) parking spaces will be provided on the adjacent lot 19A utilizing a shared parking agreement. The City of Dallas currently requires a minimum of 34 parking spaces for the proposed development based upon a 1 space / 200 square feet (sf) of total building floor area.

The current site plan design provides an adequate number of parking spaces as related to the operations of the O'Reilly Auto Parts business. Auto parts retail stores typically have a much lower traffic generation than general merchandise type retail stores. The City of Dallas zoning code does not treat auto parts retail differently than other retail types; providing a 1 space / 200 sf requirement for all. Per the ITE trip generation manual (8th ed.) auto parts retail stores (ITE code 843) typically generate ~62 trips per weekday per 1,000 sf. Allowable uses within the CR zoning with the same parking requirements would include supermarkets and pharmacy convenience stores. Supermarkets (ITE code 850) generate ~102 trips per weekday per 1,000 sf and a pharmacy with drive-thru (ITE code 881) generates ~88 trips per weekday per 1,000 sf. Based upon the ITE use classification, auto parts retail stores typically have 30% fewer trips than pharmacies and 40% fewer trips than supermarkets for equivalent floor areas. A primary reason for auto part retailers having lower parking demand is that a large portion of the floor area in auto part stores is dedicated to parts storage areas rather than retail floor space. Only approximately 50% of the proposed O'Reilly Auto Parts store is utilized for customer retail area while the remainder is office space and parts storage areas. The short duration of customer trips results in high turnover of utilized parking spaces.

An additional consideration for allowance of the reduction is the immediately adjacent Dallas Area Rapid Transit station which will allow for customer trips to be made without the utilization of a parking space required for that customer's vehicle. We understand the City of Dallas's minimum parking ordinance often times protects the interest of adjacent properties and businesses by preventing overflow parking onto the adjacent property's parking areas. Due to the situation of the proposed O'Reilly Auto Parts, it would not be anticipated that such overflow parking impacts would occur to the adjacent businesses.

Sincerely,
MILLER-McCOY, INC.
Benjamin M. Berry
Benjamin M. Berry, P.E.
Project Manager

Enclosures



 1:1,200	NOTIFICATION		Case no: BDA123-040
	<div style="border: 1px solid black; padding: 2px; display: inline-block;">200'</div> AREA OF NOTIFICATION <div style="border: 1px solid black; padding: 2px; display: inline-block;">9</div> NUMBER OF PROPERTY OWNERS NOTIFIED	Date: 5/1/2013	

Notification List of Property Owners

BDA123-040

9 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	3231 LANCASTER RD	FARDEL HOUSE LTD
2	1509 OAKLEY AVE	CHAVEZ MARIA DEL CARMEN
3	3311 LANCASTER RD	HOPPENSTEIN PROPERTIES INC
4	1522 OAKLEY AVE	ROLLINS JESSIE
5	1514 OAKLEY AVE	PRELATE OF TEXAS EAST JURISDICTION COGIC
6	3211 LANCASTER RD	GOTTLIEB DALLAS DRUGSTORE LLC
7	3200 LANCASTER RD	DONALDSON PROPERTIES LTD
8	3200 LANCASTER RD	CITIBANK TEXAS NA % CITIGROUP REALTY
9	3304 LANCASTER RD	DALLAS AREA RAPID TRANSIT

FILE NUMBER: BDA 123-049

BUILDING OFFICIAL'S REPORT: Application of Ed Simons of Masterplan for a special exception to the landscape regulations at 4525 McKinney Avenue. This property is more fully described as 25' of Lot 4, Lot 5, & 50' of Lot 6, Block K/1535, and is zoned PD-193(LC), which requires mandatory landscaping. The applicant proposes to construct and/or maintain a structure and provide an alternate landscape plan, which will require a special exception to the landscape regulations.

LOCATION: 4525 McKinney Avenue

APPLICANT: Ed Simons of Masterplan

REQUEST:

A special exception to the landscape regulations is made in conjunction with increasing nonpermeable coverage of the lot on a site developed with a retail uses/structures (Jonathan Adler/Title Nine/Flor), and not fully providing required landscaping.

**STANDARD FOR A SPECIAL EXCEPTION TO THE LANDSCAPE REQUIREMENTS
IN OAK LAWN:**

Section 26(a)(4) of Ordinance No. 21859, which establishes PD 193, specifies that the board may grant a special exception to the landscaping requirements of this section if, in the opinion of the Board, the special exception will not compromise the spirit and intent of this section. When feasible, the Board shall require that the applicant submit and that the property comply with a landscape plan as a condition to granting the special exception.

STAFF RECOMMENDATION:

Approval, subject to the following condition:

- Compliance with the submitted alternate landscape plan is required.

Rationale:

- The applicant has substantiated how granting this request would not compromise the spirit and intent of the landscaping requirements of PD 193.
- The City's Chief Arborist recommends that this request be approved because the owner has demonstrated an effort to meet the spirit and intent of the ordinance with the introduction of new trees in the wide planting area that will still be within the tree planting zone while also protecting the existing large tree, and maintaining a neat site appearance in the front and rear of the lot.

BACKGROUND INFORMATION:

Zoning:

Site: PD 193 (LC) (Planned Development District, Light commercial)
North: PD 193 (LC) (Planned Development District, Light commercial)
South: PD 193 (LC) (Planned Development District, Light commercial)
East: PD 193 (LC) (Planned Development District, Light commercial)
West: PD 193 (LC) (Planned Development District, Light commercial)

Land Use:

The subject site is developed with an approximately 9,800 square foot retail use/structure (Jonathan Adler/Title Nine/Flor). The areas to the north, south, east, and west are developed with a mix of office and retail uses.

Zoning/BDA History:

There has not been any recent related board or zoning cases recorded either on or in the immediate vicinity of the subject site.

Timeline:

March 28, 2013: The applicant submitted an "Application/Appeal to the Board of Adjustment" and related documents which have been included as part of this case report.

April 16, 2013: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel B.

April 17, 2013: The Board Administrator emailed the applicant the following information:

- an attachment that provided the public hearing date and panel that will consider the application; the May 1st deadline to submit additional evidence for staff to factor into their analysis; and the May 10th deadline to submit additional evidence to be incorporated into the Board's docket materials;
- the criteria/standard that the board will use in their decision to approve or deny the request; and
- the Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.

May 7, 2013: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for May public hearings. Review team members in attendance included: the Sustainable Development and Construction Department Current Planning Division Assistant Director, the Sustainable Development and Construction Department Engineering Division Assistant

Director, the Sustainable Development and Construction Department Chief Planner, the Board Administrator, the Building Inspection Senior Plans Examiner/Development Code Specialist, the Chief Arborist, and the Assistant City Attorney to the Board.

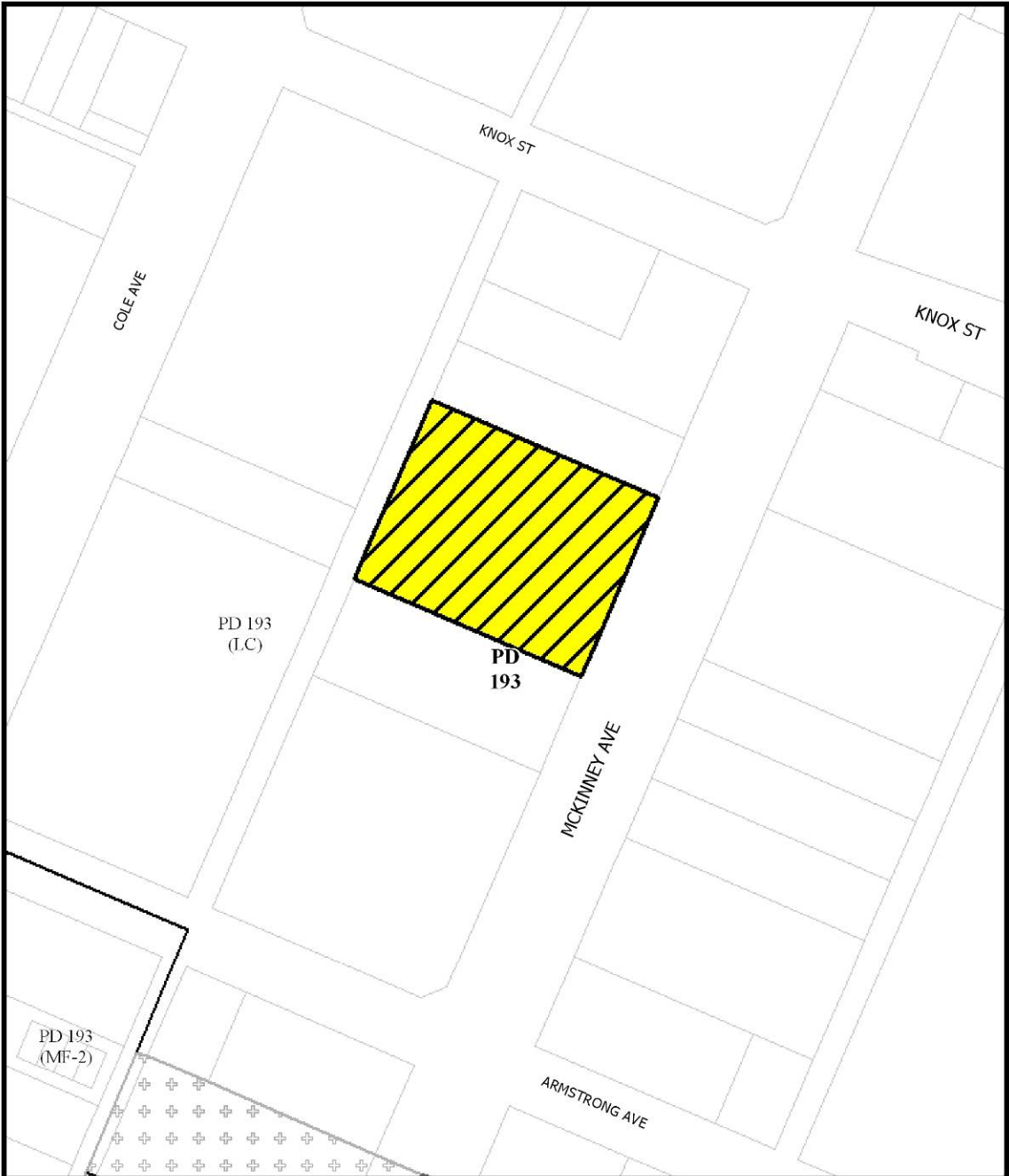
May 10, 2013: The City of Dallas Chief Arborist submitted a memo that provided his comments regarding the request (see Attachment A).

GENERAL FACTS/ STAFF ANALYSIS:

- This request focuses on increasing nonpermeable coverage of the lot on a site developed with a retail uses/structures (Jonathan Adler/Title Nine/Flor), and not fully providing required landscaping.
- PD 193 states that the landscape, streetscape, screening, and fencing standards shall become applicable to uses (other than to single family and duplex uses in detached structures) on an individual lot when work is performed on the lot that increases the existing building height, floor area ratio, or nonpermeable coverage of the lot unless the work is to restore a building that has been damaged or destroyed by fire, explosion, flood, tornado, riot, act of the public enemy, or accident of any kind.
- The Chief Arborist's memo states, among other things, how the request is triggered by new addition of ramps and walkways to the front of the structure that increases the nonpermeable coverage of the property, and how the applicant seeks exception from the from the surface parking screening, sidewalk width requirements of 6', and landscape site area requirements for the property.
- The Chief Arborist listed the following deficiencies: 1) the parking bay to the south of the structure cannot provide full screening with the addition of a new handicapped access ramp that replaced a landscape area; 2) historically, the property does not conform to the minimum site area requirements; and 3) the sidewalk is proposed at its current 4' wide configuration as opposed to the required 6'.
- The Chief Arborists listed several factors for consideration on this request: 1) the property was developed before the initiation of the Oak Lawn ordinance; the owner proposes to improve the rear yard landscape island in the parking lot; 2) the walkway improvements were installed for the purpose of creating an additional suite unit and the necessary public access to all doors; the center suite has not direct level access from the rear; 3) the 4' wide sidewalk is existing and places approximately 9' from the curb for the purpose of maintaining street sidewalk continuity and for protecting the integrity of an existing mature tree.
- The Chief Arborist recommends approval of request. The arborist states that although the property is restricted form compliance with PD 193 Part 1 requirements, the owner has demonstrated an effort to meet the spirit and intent of the ordinance with the introduction of new trees in the wide planting area that will still be within the tree planting zone while also protecting the existing large tree, and maintaining a neat site appearance in the front and rear of the lot.
- The applicant has the burden of proof in establishing the following:
 - The special exception (where an alternate landscape plan has been submitted that is deficient in meeting the surface parking screening, sidewalk width

requirements of 6', and landscape site area requirements of the PD 193 landscape regulations) will not compromise the spirit and intent of the section of the ordinance (Section 26: Landscape, streetscape, screening, and fencing standards).

- If the Board were to grant this request and impose the submitted alternate landscape plan as a condition, the site would be granted exception from full compliance to the surface parking screening, sidewalk width requirements of 6', and landscape site area requirements of the Oak Lawn PD 193 landscape ordinance.

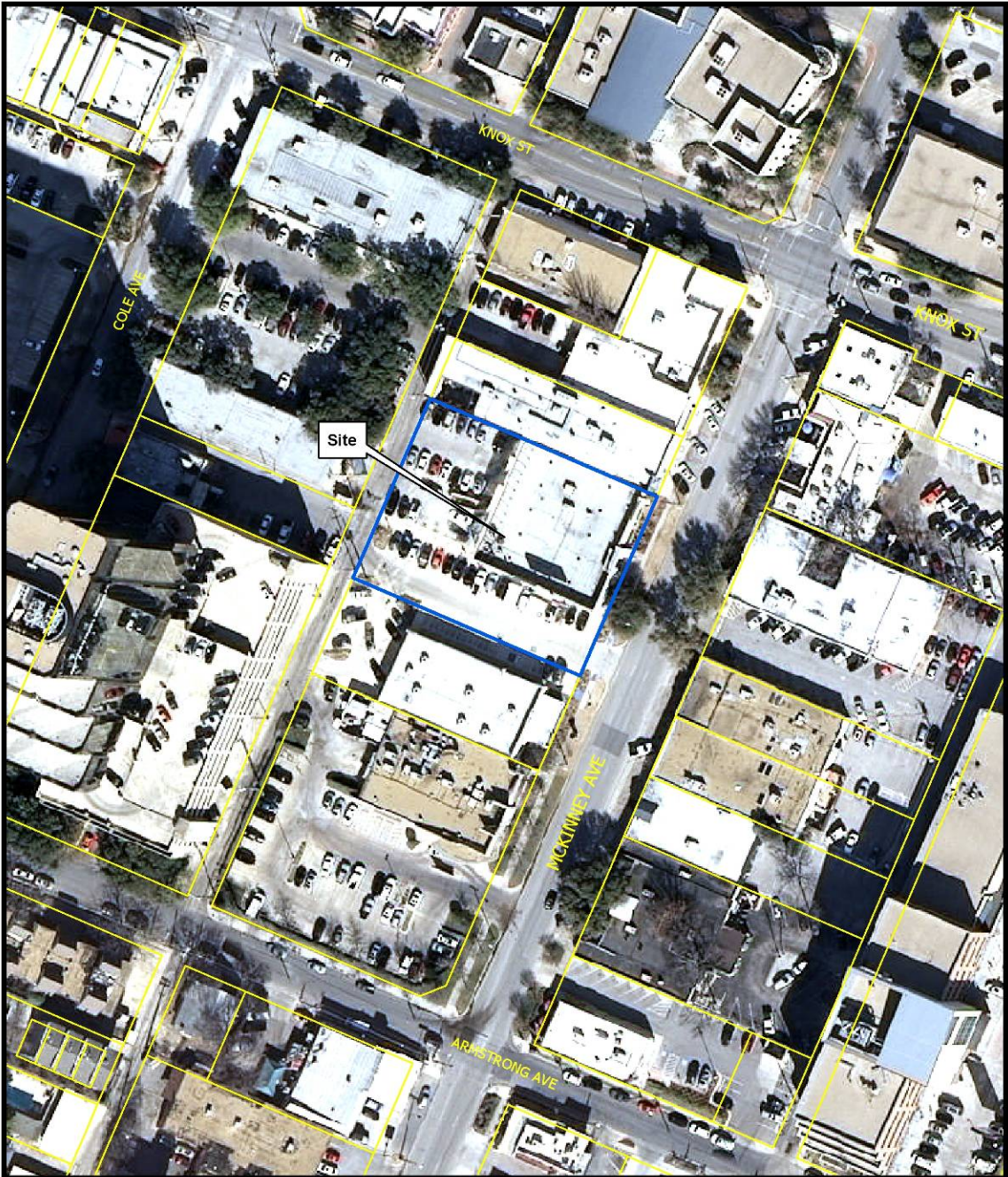


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ZONING MAP

Case no: BDA123-049

Date: 5/1/2013



1:1,200

AERIAL MAP

Case no: BDA123-049

Date: 5/1/2013



CITY OF DALLAS

Memorandum

DATE May 10, 2013

TO

Steve Long, Board of Adjustment Administrator

SUBJECT # BDA 123 · 049

4525 McKinney Avenue

The applicant is requesting a special exception to the landscape requirements of PD 193 (LC). More specifically, the request is for relief from surface parking screening, sidewalk width requirements of six feet, and landscape site area requirements for the property.

Trigger

New addition of ramps and walkways to the front of the structure increases the nonpermeable coverage of the property.

Deficiencies

The parking bay to the south of the structure cannot provide full screening with the addition of the new handicapped access ramp that replaced a landscape area. Historically, the property does not conform to the minimum 20% landscape site area requirements for this district.

The sidewalk is proposed at the current 4' wide configuration where a 6' wide sidewalk is required.

Factors

The property was developed prior to the initiation of the Oak Lawn ordinance. The owner proposes to improve the rear yard landscape island in the parking lot.

The walkway improvements were installed for the purpose of creating an additional suite unit and the necessary public access to all doors. The center suite has no direct level access from the rear.

The 4' sidewalk is existing. The sidewalk is placed approximately 9 feet from the back of the curb for the purpose of maintaining street sidewalk continuity and for protecting the integrity of an existing mature tree, as allowed under 193.126(b)(4)(B), Sidewalks. Staff will recommend maintaining the current sidewalk configuration and width of 4 feet (instead of the required 6 feet) for the protection of the tree.

BDA 123-049

Attach A

pg 2

Recommendation

Approval.

Although the property is restricted from compliance with PD 193 Part 1 requirements, in my opinion, the owner has demonstrated an effort to meet the spirit and intent of the ordinance with the introduction of new trees in the wide planting area that will still be within the tree planting zone, while also protecting the existing large tree, and maintaining a neat site appearance in the front and rear of the lot.

Philip Erwin, ISA certified arborist #TX-1284(A)
Chief Arborist



City of Dallas

APPLICATION/APPEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 123-049

Data Relative to Subject Property:

Location address: 4525 McKinney Ave

Date: March 28, 2013

Zoning District: PD 193(LC)

Lot No.: 25' lot 4, all 5 and 50' of 6 Block No.: K/1535 Acreage: .6198 Census Tract: 7.02

Street Frontage (in Feet): 1 150 2 _____ 3) _____ 4) _____ 5) _____ SE 27

To the Honorable Board of Adjustment:

Owner of Property/or Principal Gilliland Properties III

Applicant: Ed Simons (Masterplan) Telephone: 214-914-9646

Mailing Address 900 Jackson, Suite 640 Zip Code: 75202

Represented by: Same Telephone: Same

Mailing Address: Same Zip Code: _____

Affirm that a request has been made for a Variance ___, or Special Exception X, Approval of an alternate landscape plan.

Application is now made to the Honorable Board of Adjustment, in accordance with the provisions of the Dallas Development Code, to grant the described request for the following reason: The paving needed to provide access to disabled triggers Oak Lawn landscaping on this site that was developed before the PD was adopted. We have provided all we can to comply with the spirit of the requirements.

Note to Applicant: If the relief requested in this application is granted by the Board of Adjustment, said permit must be applied for within 180 days of the date of the final action of the Board, unless the Board specifically grants a longer period.

Respectfully submitted: Ed Simons Applicant's name printed [Signature] Applicant's signature

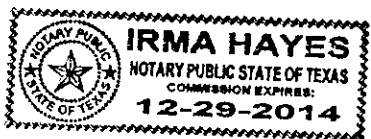
Affidavit

Before me the undersigned on this day personally appeared Ed Simons who on (his/her) oath certifies that the above statements are true and correct to his best knowledge and that he is the owner/or principal/or authorized representative of the subject property.

[Signature]
Affiant (Applicant's signature)

Subscribed and sworn to before me this 28th day of March, 2013

[Signature]
Notary Public in and for Dallas County, Texas



MEMORANDUM OF
ACTION TAKEN BY THE
BOARD OF ADJUSTMENT

Date of Hearing _____

Appeal was--Granted OR Denied

Remarks _____

Chairman

Building Official's Report

I hereby certify that ED SIMONS

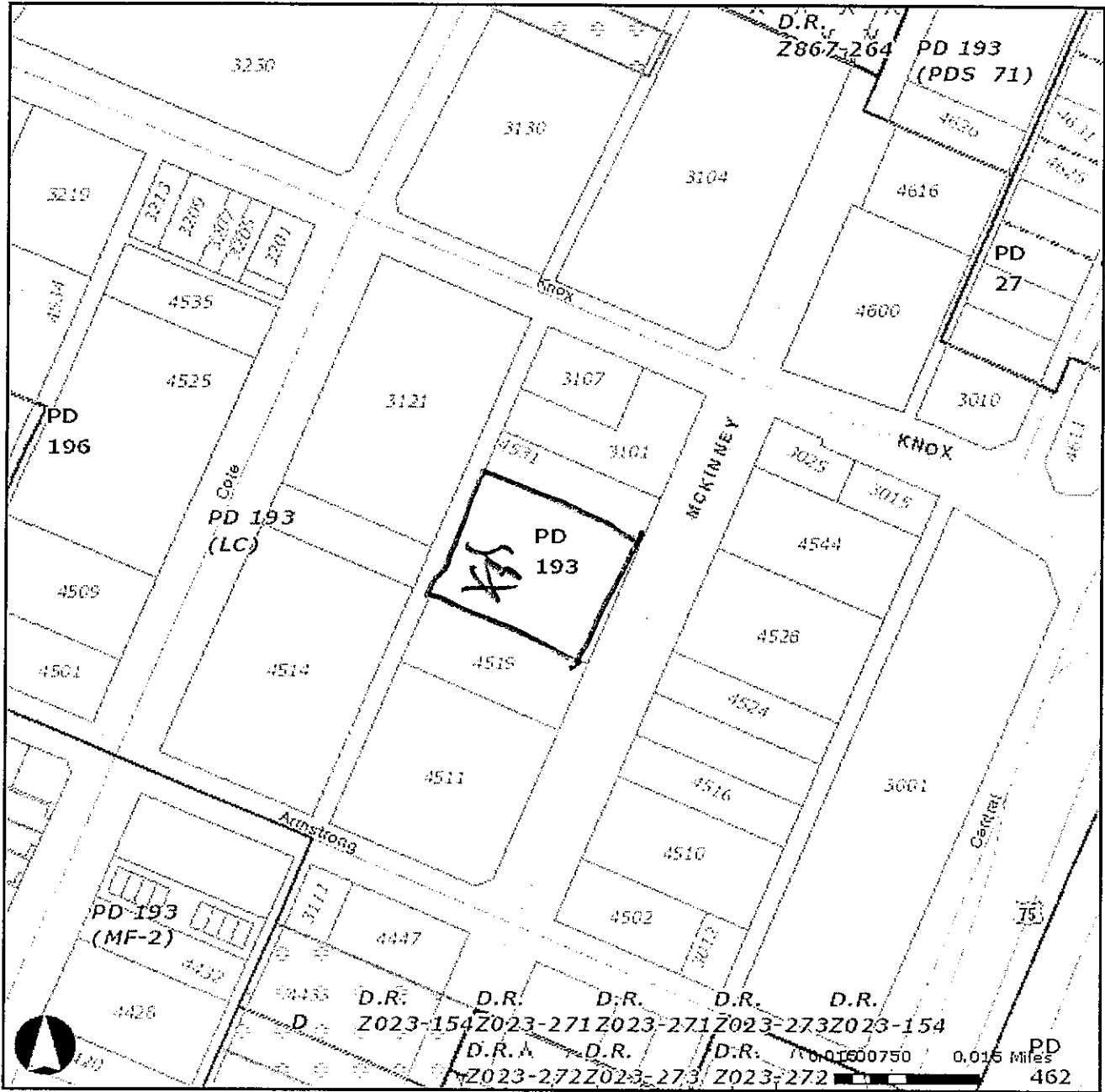
did submit a request for a special exception to the landscaping regulations
at 4525 McKinney Avenue

BDA123-049. Application of Ed Simons for a special exception to the landscaping regulations at 4525 McKinney Avenue. This property is more fully described as 25' of Lot 4 Lot 5, & 50' of Lot 6, Block K/1535, and is zoned PD-193(LC), which requires mandatory landscaping. The applicant proposes to construct a nonresidential structure and provide an alternate landscape plan, which will require a special exception to the landscape regulations.

Sincerely,


Larry Holmes, Building Official

City of Dallas Zoning



Address Candidates



City Boundaries



County



Certified Parcels



DISD Sites



Council Districts



Waterways



SUP



Dry Overlay



Historic Overlay



Historic Subdistricts



NSO Overlay



NSO Subdistricts



PDS Subdistricts



Base Zoning



Floodplain



100 Flood Zone



Mill's Creek



Peak's Branch



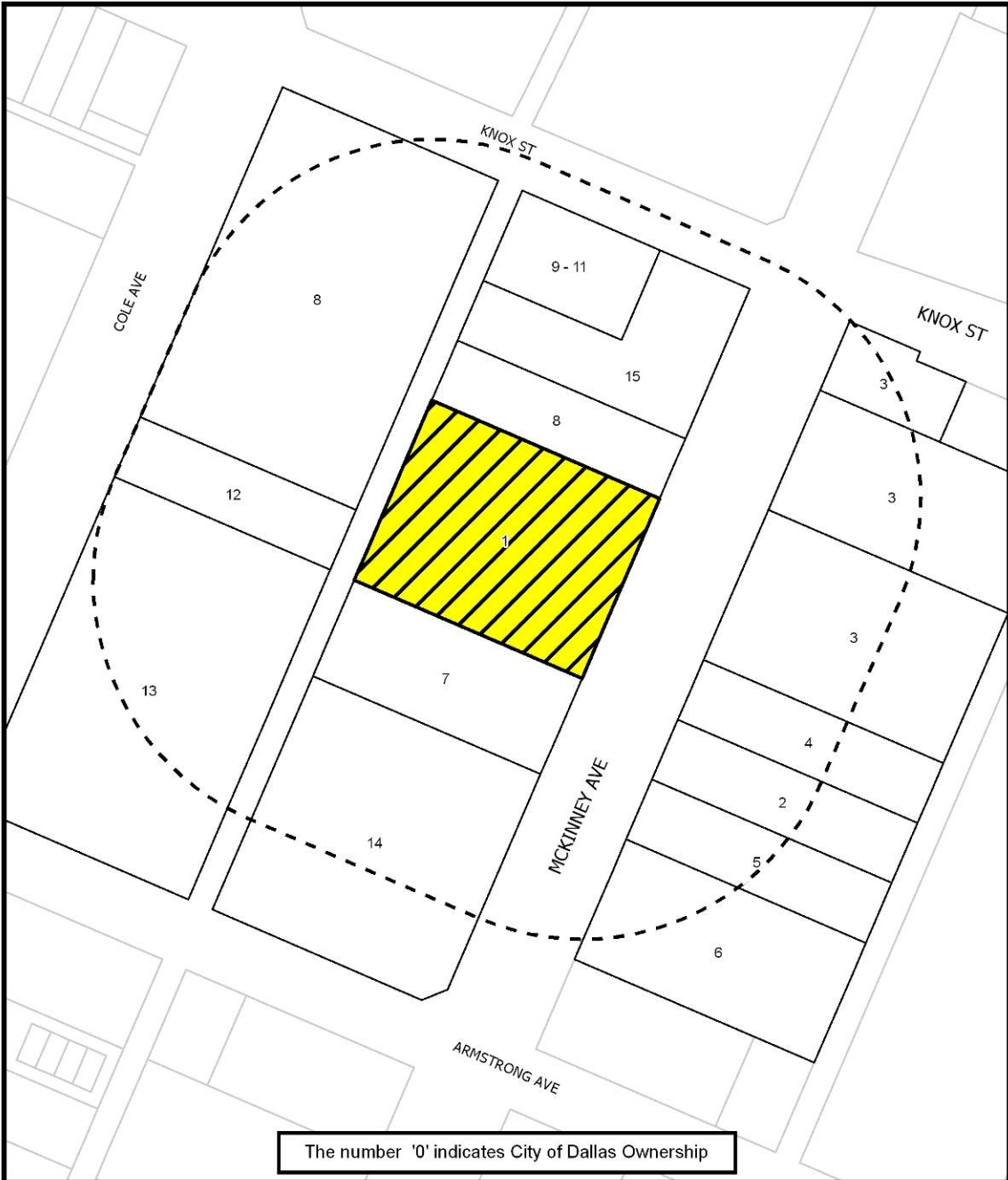
X PROTECTED BY LEVEE



Pedestrian Overlay







 1:1,200	NOTIFICATION		Case no: BDA123-049
	<div style="border: 1px solid black; padding: 2px; display: inline-block;">200'</div> AREA OF NOTIFICATION <div style="border: 1px solid black; padding: 2px; display: inline-block;">15</div> NUMBER OF PROPERTY OWNERS NOTIFIED		Date: 5/1/2013

Notification List of Property Owners

BDA123-049

15 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	4525 MCKINNEY AVE	GILLILAND PPTIES III LTD SUITE 1000
2	4524 MCKINNEY AVE	KNOX STREET VILLAGE INC
3	3025 KNOX ST	NABHOLTZ KMCK PARTNERS LP SUITE 105
4	4524 MCKINNEY AVE	KNOX STREET VILLAGE INC SUITE 400
5	4516 MCKINNEY AVE	CRYSTAL PYRAMID LTD
6	4510 MCKINNEY AVE	KNOX ST VLG HOLDINGS INC C/O SAROFIM REA
7	4519 MCKINNEY AVE	GILLILAND PROPERTIES II LTD
8	4531 MCKINNEY AVE	GILLILAND PPTIES II LTD % LYNN GILLILAND
9	3107 KNOX ST	BUZZINI LP
10	3113 KNOX ST	SOUTHERLAND CATHERINE S
11	3119 KNOX ST	HILL HENRY L JR
12	4524 COLE AVE	GILLILAND PPTIES II LTD % LYNN GILLILAND
13	4514 COLE AVE	HVP HP PLACE II LLC % HEITMAN CAPITAL MG
14	4511 MCKINNEY AVE	MAJAHUAL LP
15	3101 KNOX ST	GILLILAND PROPERTIES LTD SUITE 1000

FILE NUMBER: BDA 123-051

BUILDING OFFICIAL'S REPORT: Application of Cash McElroy for a variance to the front yard setback regulations at 7743 Goforth Circle. This property is more fully described as Lot 1, Block A/5446 and is zoned R-7.5(A), which requires a front yard setback of 25 feet. The applicant proposes to construct and maintain a structure and provide a 12 foot 3 inch front yard setback, which will require a variance to the front yard setback regulations of 12 feet 9 inches.

LOCATION: 7743 Goforth Circle

APPLICANT: Cash McElroy

REQUEST:

A variance to the front yard setback regulations of 12' 9" is made in conjunction with constructing and maintaining a two-story single family home structure, part of which would be located in one of the site's three front yard setbacks (Goforth Road) on a site that is currently undeveloped. (No request has been made in this application to construct/maintain any structure in the site's Goforth Circle front yard setbacks).

STAFF RECOMMENDATION:

Approval, subject to the following condition:

- Compliance with the submitted site plan is required.

Rationale:

- The subject site is unique and different from most lots zoned R-7.5(A) in that it is a lot with a restrictive area due to its three front yard setbacks. The atypical lot with three front yard setbacks precludes the applicant from developing it in a manner commensurate with development on other similarly zoned R-7.5(A) properties with the typical one front yard setback, two side yard setbacks, and one rear yard setback.

STANDARD FOR A VARIANCE:

The Dallas Development Code specifies that the board has the power to grant variances from the front yard, side yard, rear yard, lot width, lot depth, coverage, floor area for structures accessory to single family uses, height, minimum sidewalks, off-street parking or off-street loading, or landscape regulations provided that the variance is:

- (A) not contrary to the public interest when, owing to special conditions, a literal enforcement of this chapter would result in unnecessary hardship, and so that the spirit of the ordinance will be observed and substantial justice done;
- (B) necessary to permit development of a specific parcel of land that differs from other parcels of land by being of such a restrictive area, shape, or slope, that it cannot be developed in a manner commensurate with the development upon other parcels of land with the same zoning; and
- (C) not granted to relieve a self created or personal hardship, nor for financial reasons only, nor to permit any person a privilege in developing a parcel of land not permitted by this chapter to other parcels of land with the same zoning.

BACKGROUND INFORMATION:

Zoning:

- Site: R-7.5(A) (Single family district 7,500 square feet)
- North: R-7.5(A) (SUP 972) (Single family district 7,500 square feet)(Specific Use Permit)
- South: R-7.5(A) (Single family district 7,500 square feet)
- East: R-7.5(A) (Single family district 7,500 square feet)
- West: R-7.5(A) (Single family district 7,500 square feet)

Land Use:

The subject site is undeveloped. The area to the north is developed with an institutional/water utilities use; and the areas to the east, south, and west are developed with single family uses.

Zoning/BDA History:

There has not been any recent related board or zoning cases recorded either on or in the immediate vicinity of the subject site.

Timeline:

- March 28, 2013: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.
- April 16, 2013: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel B.
- April 17, 2013: The Board Administrator emailed the applicant the following information:
 - an attachment that provided the public hearing date and panel that will consider the application; the May 1st deadline to submit additional evidence for staff to factor into their analysis; and the

May 10th deadline to submit additional evidence to be incorporated into the Board's docket materials;

- the criteria/standard that the board will use in their decision to approve or deny the request; and
- the Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.

May 7, 2013:

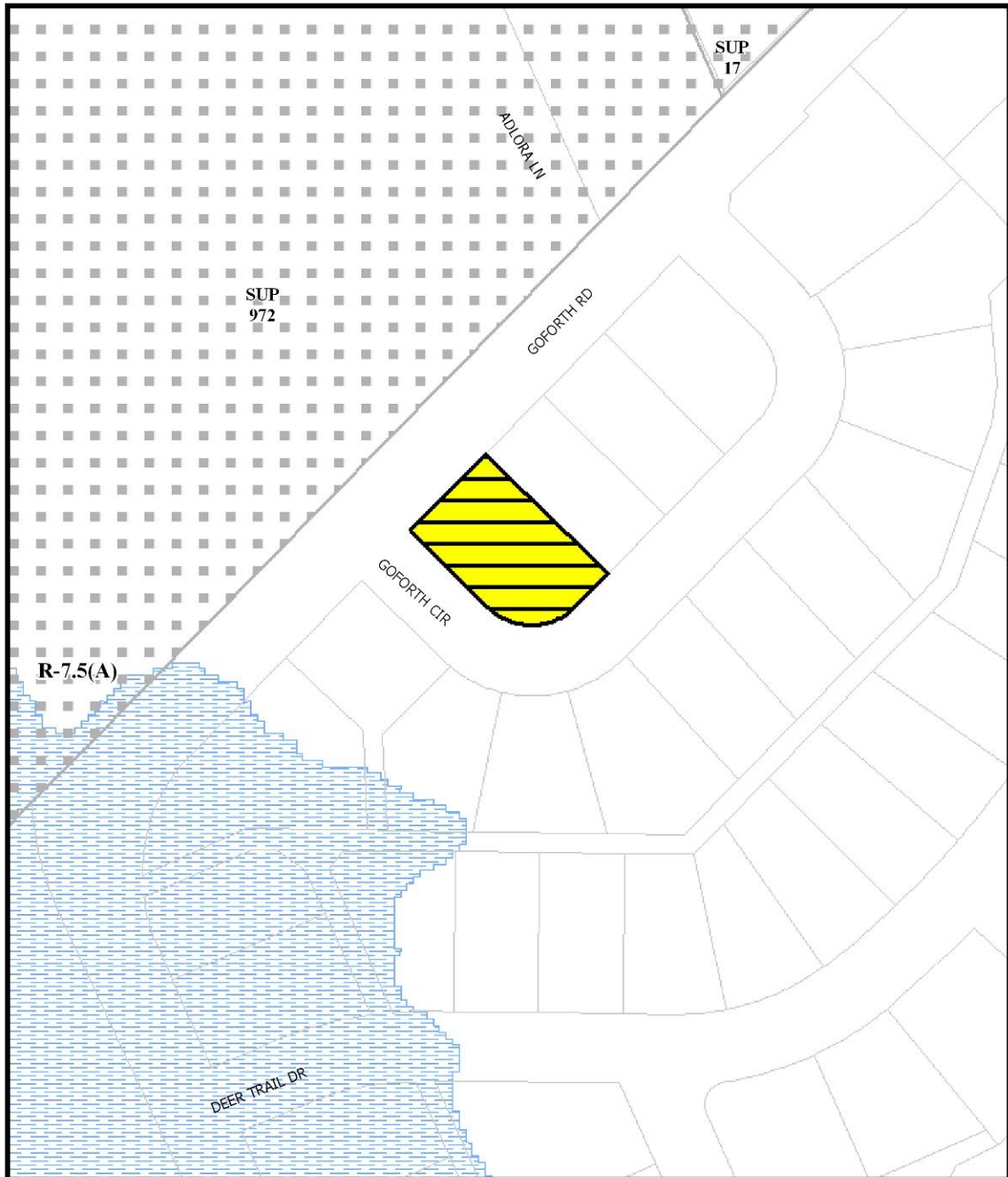
The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for May public hearings. Review team members in attendance included: the Sustainable Development and Construction Department Current Planning Division Assistant Director, the Sustainable Development and Construction Department Engineering Division Assistant Director, the Sustainable Development and Construction Department Chief Planner, the Board Administrator, the Building Inspection Senior Plans Examiner/Development Code Specialist, the Chief Arborist, and the Assistant City Attorney to the Board.

No review comment sheets with comments were submitted in conjunction with this application.

GENERAL FACTS/STAFF ANALYSIS:

- This request focuses on constructing and maintaining a two-story single family structure, part of which would be located in one of the three front yard setbacks (Goforth Road).
- Structures on lots zoned R-7.5(A) are required to provide a minimum front yard setback of 25'.
- The subject site is located at the east corner of Goforth Road and Goforth Circle. Regardless of how the proposed single-family structure appears to be oriented to Goforth Circle the site has three front yard setbacks since the code states that if a lot runs from one street to another and has double frontage, a required front yard must be provided on both streets.
- The subject site has two 30' required front yards along Goforth Circle created by a platted building line, and a 25' required front yard setback along Goforth Road per the Dallas Development Code.
- A scaled site plan has been submitted indicating that the proposed single family home would be located 12' 3" from the Goforth Road front property line or 12' 9" into the 25' front yard setback. (No encroachment is proposed in the Goforth Circle 30' required front yards).
- According to DCAD records, the "main improvements" at 7743 Goforth Circle is a structure built in 1958 with 1,817 square feet of living area and 1,817 square feet of total area. According to DCAD records, the "additional improvements" at 7743 Goforth Circle is a 480 square foot detached garage. (These structures are no longer on the subject site).
- The subject site is flat, somewhat irregular in shape, and according to the application is 0.263 acres (or approximately 11,500 square feet) in area. The site is zoned R-7.5(A) where lots typically are 7,500 square feet in area.

- The site has three front yards (two 30' required front yards per a platted building line, one 25' front yard setback per the R-7.5(A) zoning district provision); and one 5' side yard setback; most residentially-zoned lots have one front yard setback, two side yard setbacks, and one rear yard setback.
- According to calculations taken by the Board Administrator from the submitted site plan, the area of the proposed home to be located in the site's Goforth Road 25' front yard setback is approximately 375 square feet in area or approximately 13 percent of the approximately 2,900 square foot 1st floor building footprint.
- The applicant has the burden of proof in establishing the following:
 - That granting the variance to the Goforth Road front yard setback regulations will not be contrary to the public interest when, owing to special conditions, a literal enforcement of this chapter would result in unnecessary hardship, and so that the spirit of the ordinance will be observed and substantial justice done.
 - The variance is necessary to permit development of the subject site that differs from other parcels of land by being of such a restrictive area, shape, or slope, that the subject site cannot be developed in a manner commensurate with the development upon other parcels of land in districts with the same R-7.5(A) zoning classification.
 - The variance would not be granted to relieve a self created or personal hardship, nor for financial reasons only, nor to permit any person a privilege in developing this parcel of land (the subject site) not permitted by this chapter to other parcels of land in districts with the same R-7.5(A) zoning classification.
- If the Board were to grant the variance request, and impose the submitted site plan as a condition, the structure in the front yard setback would be limited to what is shown on this document— which in this case is a structure to be located 12' 3" from the Goforth Road front property line (or 12' 9" into this 25' front yard setback).

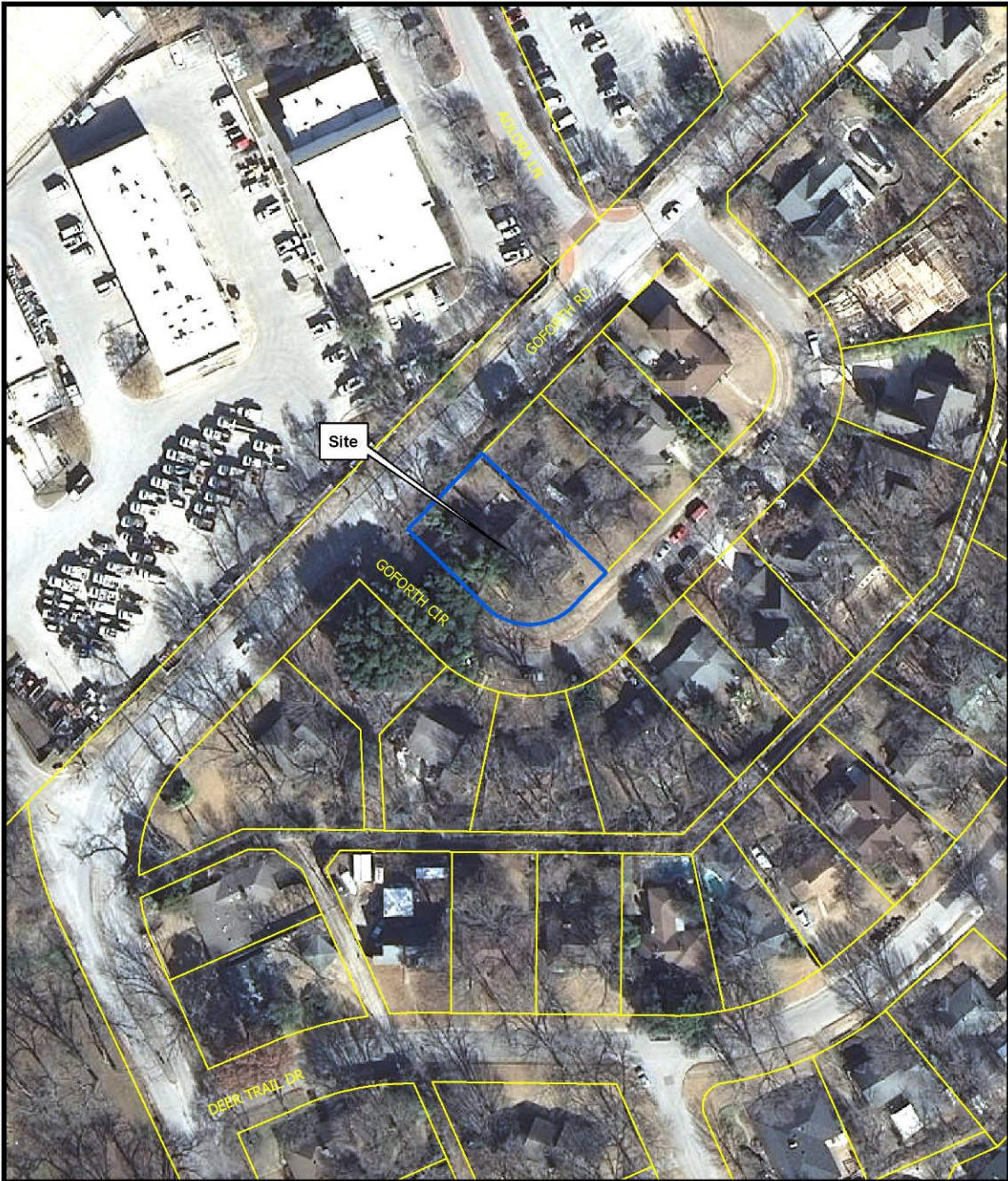


1:1,200

ZONING MAP

Case no: BDA123-051

Date: 5/1/2013



1:1,200

AERIAL MAP

Case no: BDA123-051

Date: 5/1/2013



APPLICATION/APPEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 123-051

Data Relative to Subject Property:

Date: 3/28/13

Location address: 7743 Goforth Cir Zoning District: R75

Lot No.: 1 Block No.: A/5446 Acreage: .263 Census Tract: 130.04

Street Frontage (in Feet): 1) 85 2) 135 3) 85 4) _____ 5) _____

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): McElroy Ventures, LLC

Applicant: Cash McElroy Telephone: 214-679-4583

Mailing Address: 10321 Linkwood Dr. Dallas, TX Zip Code: 75238

E-mail Address: cash@regentcustomhomes.com

Represented by: Cash McElroy Telephone: _____

Mailing Address: SAME Zip Code: _____

E-mail Address: _____

Affirm that an appeal has been made for a Variance , or Special Exception , of 12'6" to From Goforth Rd. the front yard setback.

Application is made to the Board of Adjustment, in accordance with the provisions of the Dallas Development Code, to grant the described appeal for the following reason:

Hardship due to double frontage with regards to Goforth Road and Goforth Circle with another 30' build line on the side yard of Goforth Circle

Note to Applicant: If the appeal requested in this application is granted by the Board of Adjustment, a permit must be applied for within 180 days of the date of the final action of the Board, unless the Board specifically grants a longer period.

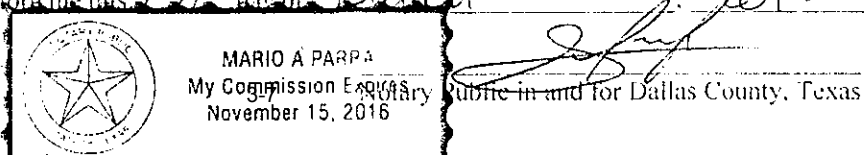
Affidavit

Before me the undersigned on this day personally appeared Cash McElroy (Affiant/Applicant's name printed)

who on (his/her) oath certifies that the above statements are true and correct to his/her best knowledge and that he/she is the owner/or principal/or authorized representative of the subject property.

Respectfully submitted: [Signature] (Affiant/Applicant's signature)

Subscribed and sworn to before me this 28 day of March, 2013



MEMORANDUM OF
ACTION TAKEN BY THE
BOARD OF ADJUSTMENT

Date of Hearing _____

Appeal was--Granted OR Denied

Remarks _____

Chairman

Building Official's Report

I hereby certify that Cash McElroy

did submit a request for a variance to the front yard setback regulations
at 7743 Goforth Circle

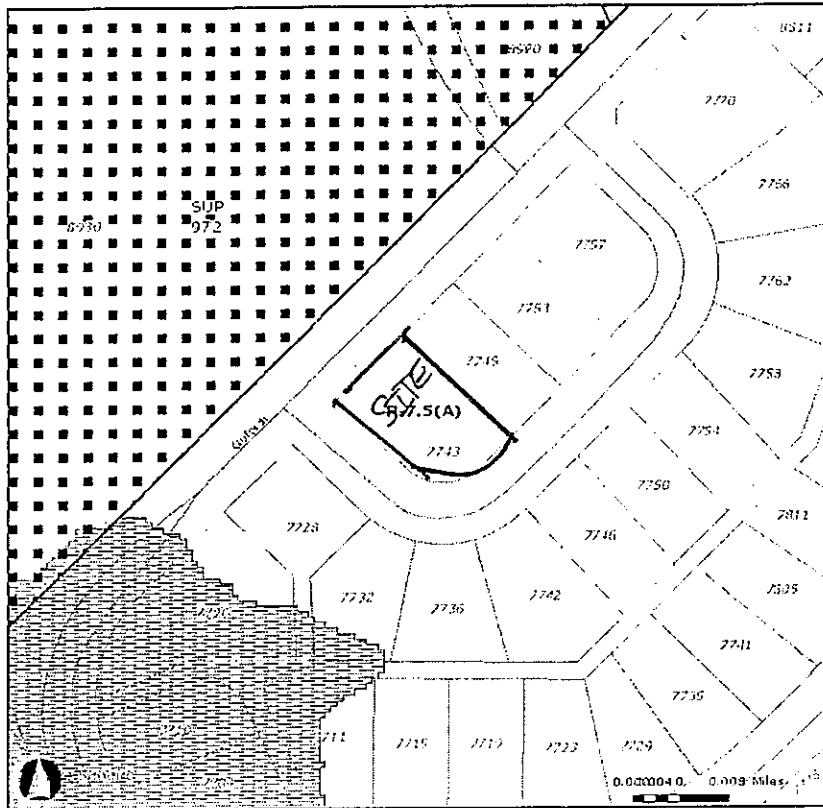
BDA123-051. Application of Cash McElroy for a variance to the front yard setback regulations at 7743 Goforth Circle. This property is more fully described as Lot 1, Block A/5446 and is zoned R-7.5(A), which requires a front yard setback of 25 feet. The applicant proposes to construct a single family residential structure and provide a 12 foot 3 inch front yard setback, which will require a 12 foot 9 inch variance to the front yard setback regulation.

Sincerely,


Larry Holmes, Building Official



City of Dallas Zoning



- | | | |
|---|---|--|
| <ul style="list-style-type: none"> <input type="checkbox"/> City Boundaries <input type="checkbox"/> County <input type="checkbox"/> Certified Parcels <input type="checkbox"/> DISD Sites <input type="checkbox"/> Council Districts <input type="checkbox"/> Waterways <input type="checkbox"/> Parks <input type="checkbox"/> Major Lakes <input type="checkbox"/> Municipal Setting Designations <input type="checkbox"/> Deed Restrictions <input type="checkbox"/> SUP | <ul style="list-style-type: none"> <input type="checkbox"/> Dry Overlay <input type="checkbox"/> D <input type="checkbox"/> D-1 <input type="checkbox"/> Historic Overlay <input type="checkbox"/> Historic Subdistricts <input type="checkbox"/> NSO Overlay <input type="checkbox"/> NSO Subdistricts <input type="checkbox"/> MD Overlay <input type="checkbox"/> CD Subdistricts <input type="checkbox"/> PD Subdistricts <input type="checkbox"/> PD193 Oak Lawn <input type="checkbox"/> PDS Subdistricts | <ul style="list-style-type: none"> <input type="checkbox"/> Base Zoning <input type="checkbox"/> Floodplain <input type="checkbox"/> 100 Flood Zone <input type="checkbox"/> Nalf's Creek <input type="checkbox"/> Peak's Branch <input checked="" type="checkbox"/> PROTECTED BY LEVEE <input type="checkbox"/> Pedestrian Overlay <input type="checkbox"/> CP <input type="checkbox"/> SP <input type="checkbox"/> Environmental Corridors <input type="checkbox"/> Escarpment Overlay <input type="checkbox"/> SPSD Overlay |
|---|---|--|

Zoning Disclaimer

The data on this website do not constitute the official zoning map of the City of Dallas. We make every effort to ensure this data is accurate and complete, but this website should not be relied on as a substitute for the official version. No development activity should be started without reference to the official version. The official version may be obtained by contacting the Sustainable Development & Construction Department.

This website may not contain the most recent changes to zoning, though updates are typically made within a week of an ordinance being passed by City Council.

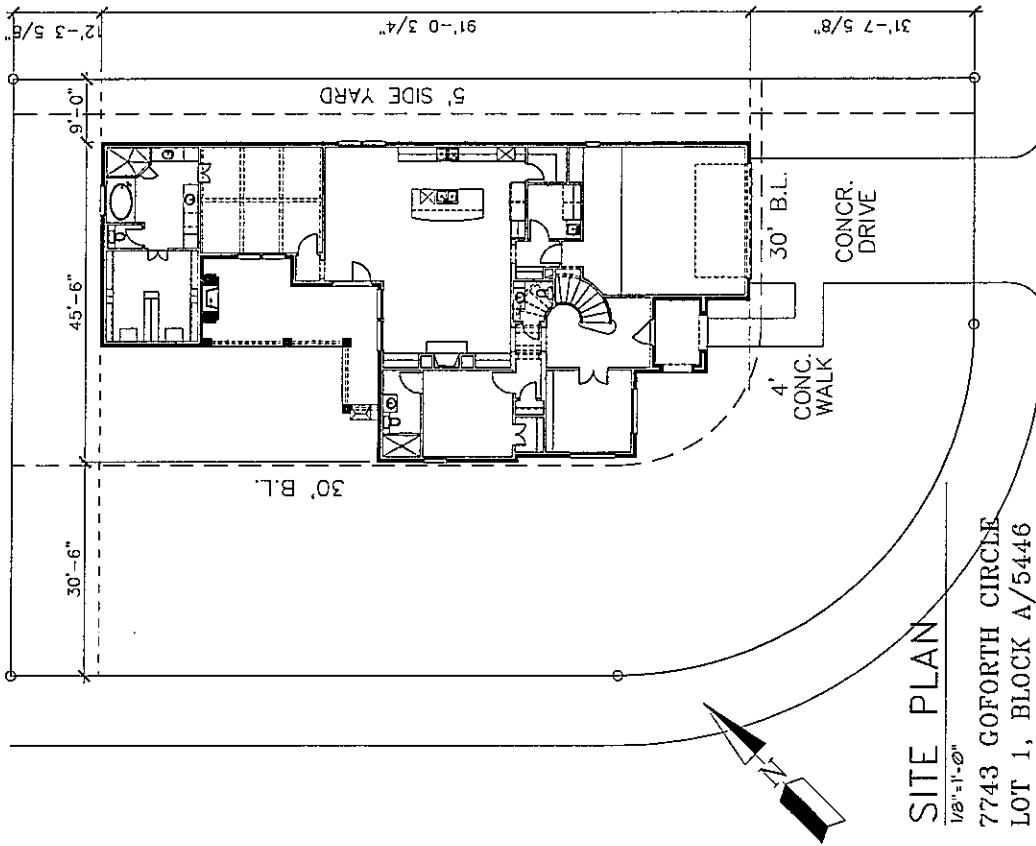
If you need assistance with the website, please contact the GIS section of the Sustainable Development & Construction Department at (214) 679-2695. Questions about zoning or other development-related topics should be directed to the Building Inspection Division of the Sustainable Development & Construction Department at (214) 948-4480. The majority of data available on this website is maintained by the City of Dallas Sustainable Development & Construction Department, with a few important exceptions. The Wet/Dry data is provided by each of the five counties that contain a portion of the City of Dallas. Questions regarding this data should be directed to the appropriate county. The floodplain information is provided by the City of Dallas Intty Watershed Management Department, Floodplain and Drainage Management Division. They are located at 320 E Jefferson Blvd, Room 107, and can be reached at (214) 948-4690.

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 Watson Design Group
 3532 W. 7TH
 FORT WORTH, TEXAS
 F.017.002.002
 F.017.002.005

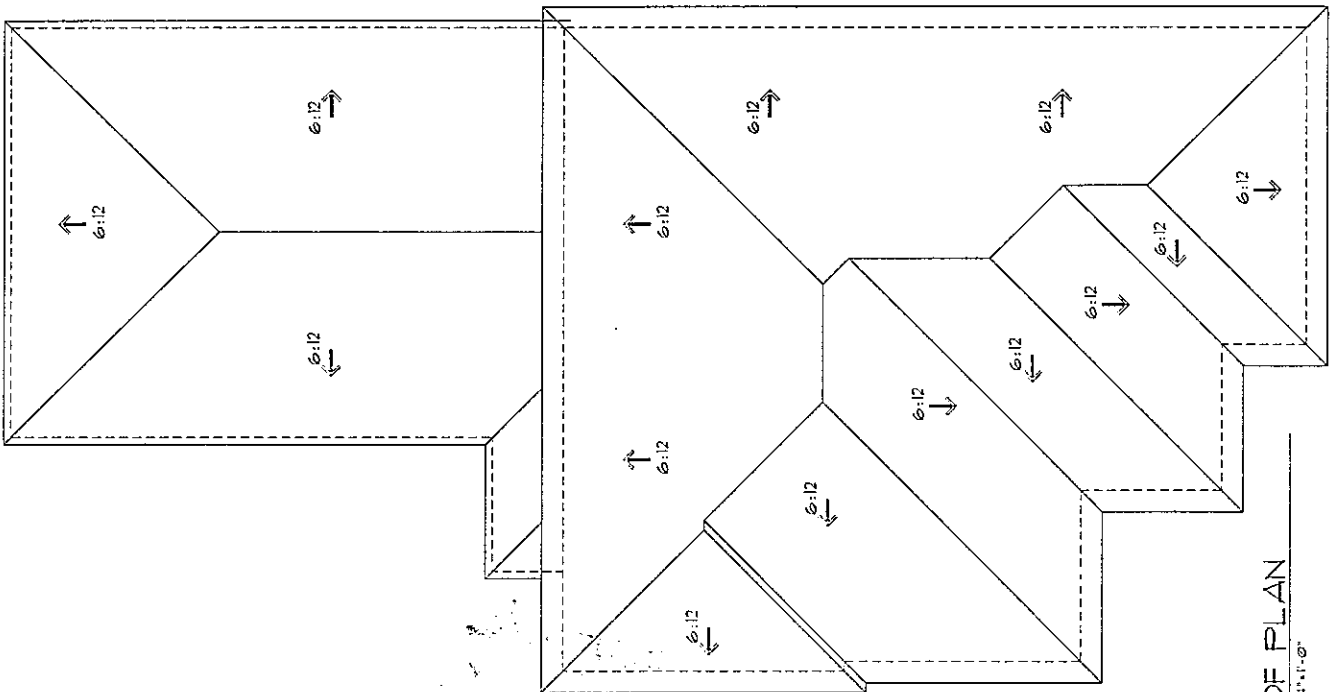
WATSON DESIGN GROUP

MILLER RESIDENCE
 7743 GOFORTH CIRCLE
 LOT 1, BLOCK A/5446
 WHITE ROCK FOREST,
 CITY OF DALLAS
 DALLAS COUNTY, TEXAS

PLAN NUMBER	2364219
DATE	2/14/2013
SHEET NUMBER	A1



AREA TABULATION:	
FIRST FLOOR:	2358 sq.ft.
SECOND FLOOR:	1284 sq.ft.
TOTAL A/C:	3642 sq.ft.
GARAGE:	539 sq.ft.
REAR COVERED PATIO:	306 sq.ft.
FRONT PORCH:	75 sq.ft.
FUTURE SPACE:	407 sq.ft.
TOTAL AREA UNDER ROOF:	4369 sq.ft.



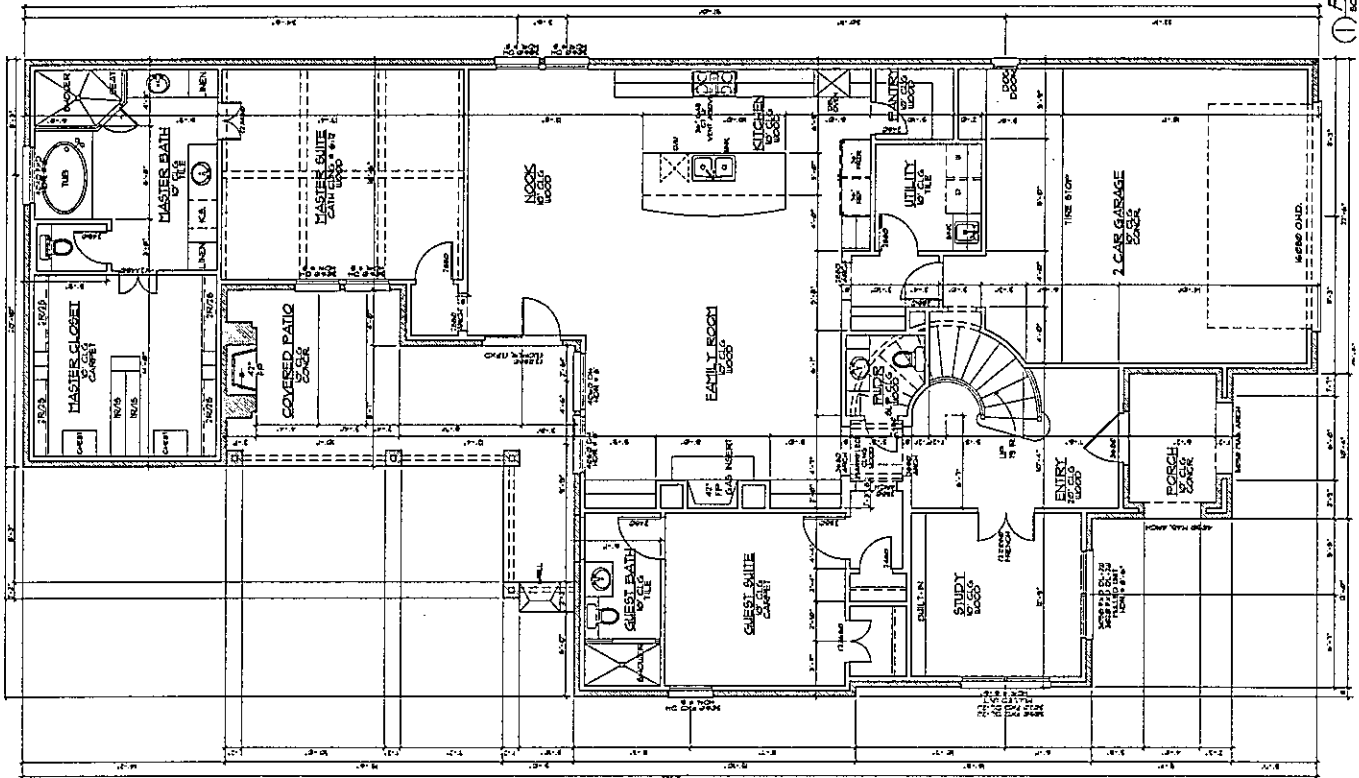
3537 W. 7TH
 SUITE 5
 FORT WORTH, TEXAS
 817.882.8802
 7.817.882.8805

WATSON DESIGN GROUP

MILLER RESIDENCE
 7743 GORFORTH CIRCLE
 LOT 1, BLOCK A/5446
 WHITE ROCK FOREST,
 CITY OF DALLAS
 DALLAS COUNTY, TEXAS

PLAN NUMBER	2364219
DATE	2/14/2013
SHEET NUMBER	A2

AREA TABULATION:	
FIRST FLOOR:	2358 sq.ft.
SECOND FLOOR:	1284 sq.ft.
TOTAL A/C:	3642 sq.ft.
GARAGE:	539 sq.ft.
REAR COVERED PATIO:	306 sq.ft.
FRONT PORCH:	75 sq.ft.
FUTURE SPACE:	407 sq.ft.
TOTAL AREA UNDER ROOF:	4969 sq.ft.



1 FIRST FLOOR PLAN
 SCALE: 1/4" = 1'-0"

Copyright, Watson Design, Inc. - 2013
 These plans are provided to describe the basic construction, materials, and finishes for the project. It is understood that the contractor shall be responsible for obtaining all necessary permits and for the proper installation of all materials and finishes. The contractor shall also be responsible for the proper installation of all mechanical, electrical, and plumbing systems. The contractor shall also be responsible for the proper installation of all other systems and equipment. The contractor shall also be responsible for the proper installation of all other systems and equipment. The contractor shall also be responsible for the proper installation of all other systems and equipment.

WATSON DESIGN GROUP

3537 W. 7TH
 FORT WORTH, TEXAS
 817.882.8802
 F. 817.882.8805



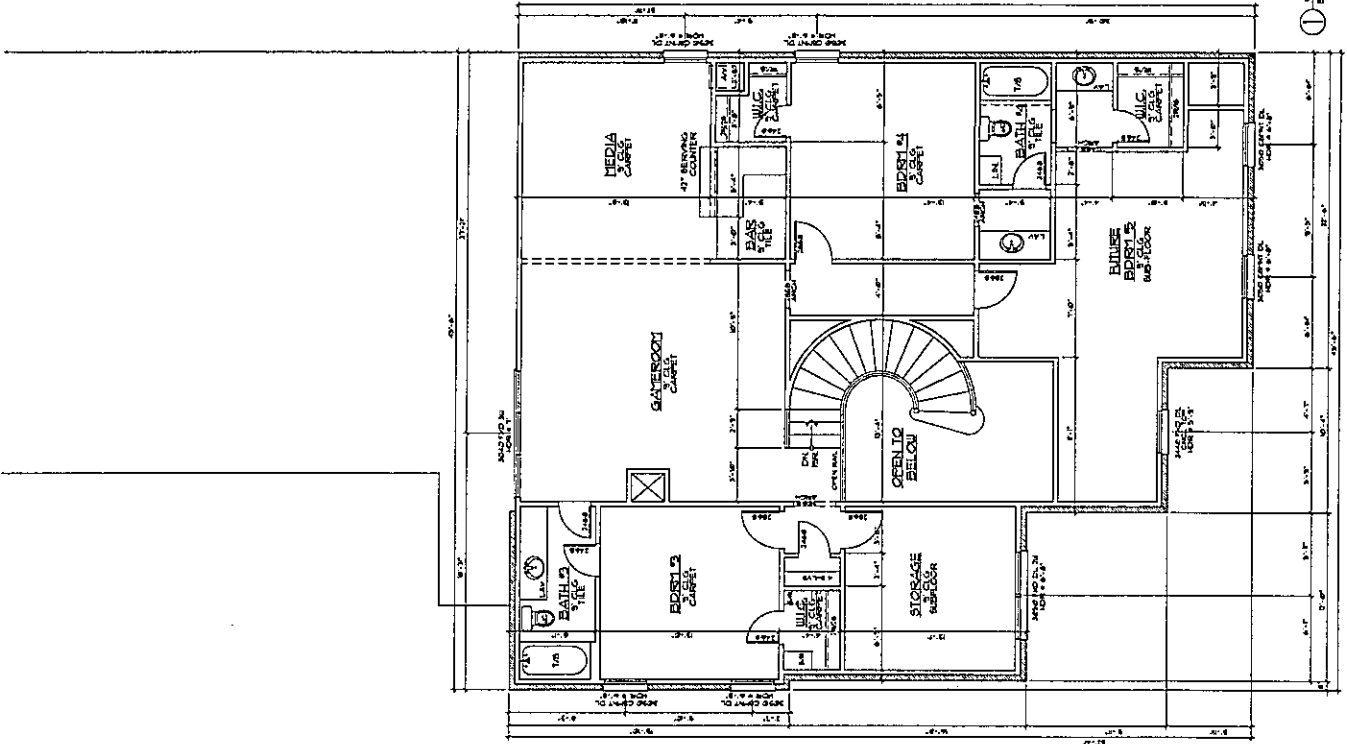
MILLER RESIDENCE
 7743 GORFORTH CIRCLE
 LOT 1, BLOCK A/346
 WHITE ROCK FOREST,
 CITY OF DALLAS
 DALLAS COUNTY, TEXAS

PLAN NUMBER
 2364213

DATE
 2/14/2013

SHEET NUMBER
 A3

① SECOND FLOOR PLAN
 SCALE: 1/4"=1'-0"



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 This drawing is intended to provide the best available information based on the information provided to the architect. It is not intended to be a contract document. It is the responsibility of the client to provide all necessary information and to verify the accuracy of the information provided. The architect is not responsible for any errors or omissions in this drawing. The architect is not responsible for any construction methods or materials not shown in this drawing. The architect is not responsible for any construction methods or materials not shown in this drawing. The architect is not responsible for any construction methods or materials not shown in this drawing.

WATSON DESIGN GROUP

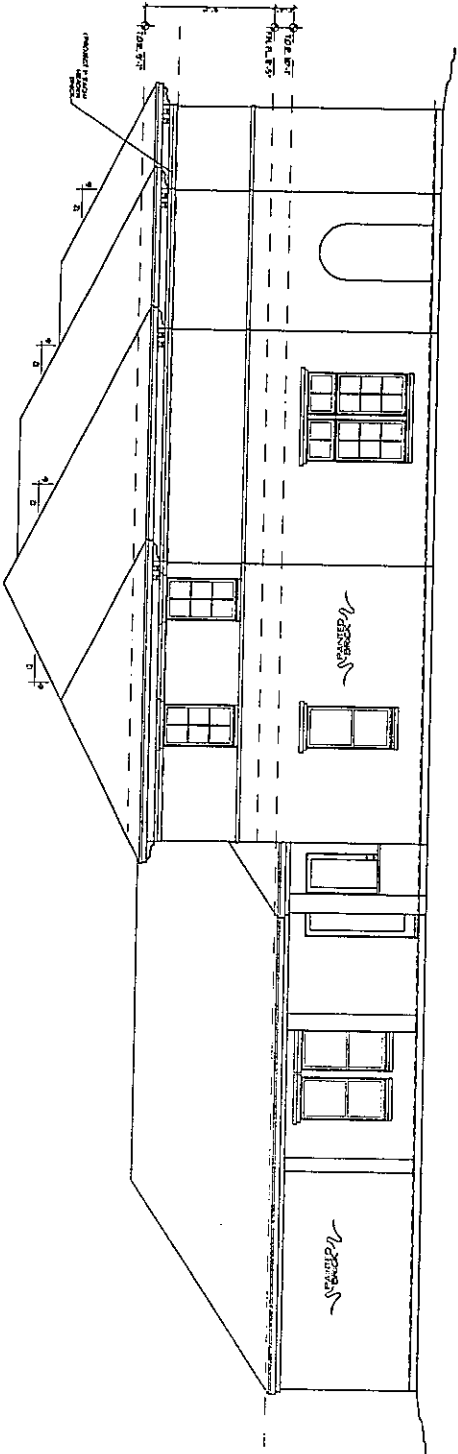
1532 W. 21st
 SUITE 2
 FORT WORTH, TEXAS
 817.852.8822
 F.17.852.8823

MILLER RESIDENCE
 7743 GORPOTH CIRCLE
 LOT 1, BLOCK A/5446
 WHITE ROCK FOREST,
 CITY OF DALLAS
 DALLAS COUNTY, TEXAS

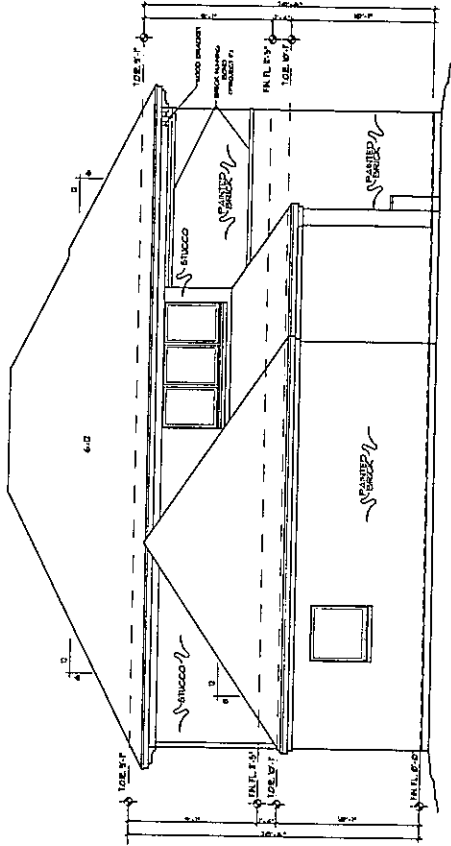
PLAN NUMBER
 236-4213

DATE
 2/14/2013

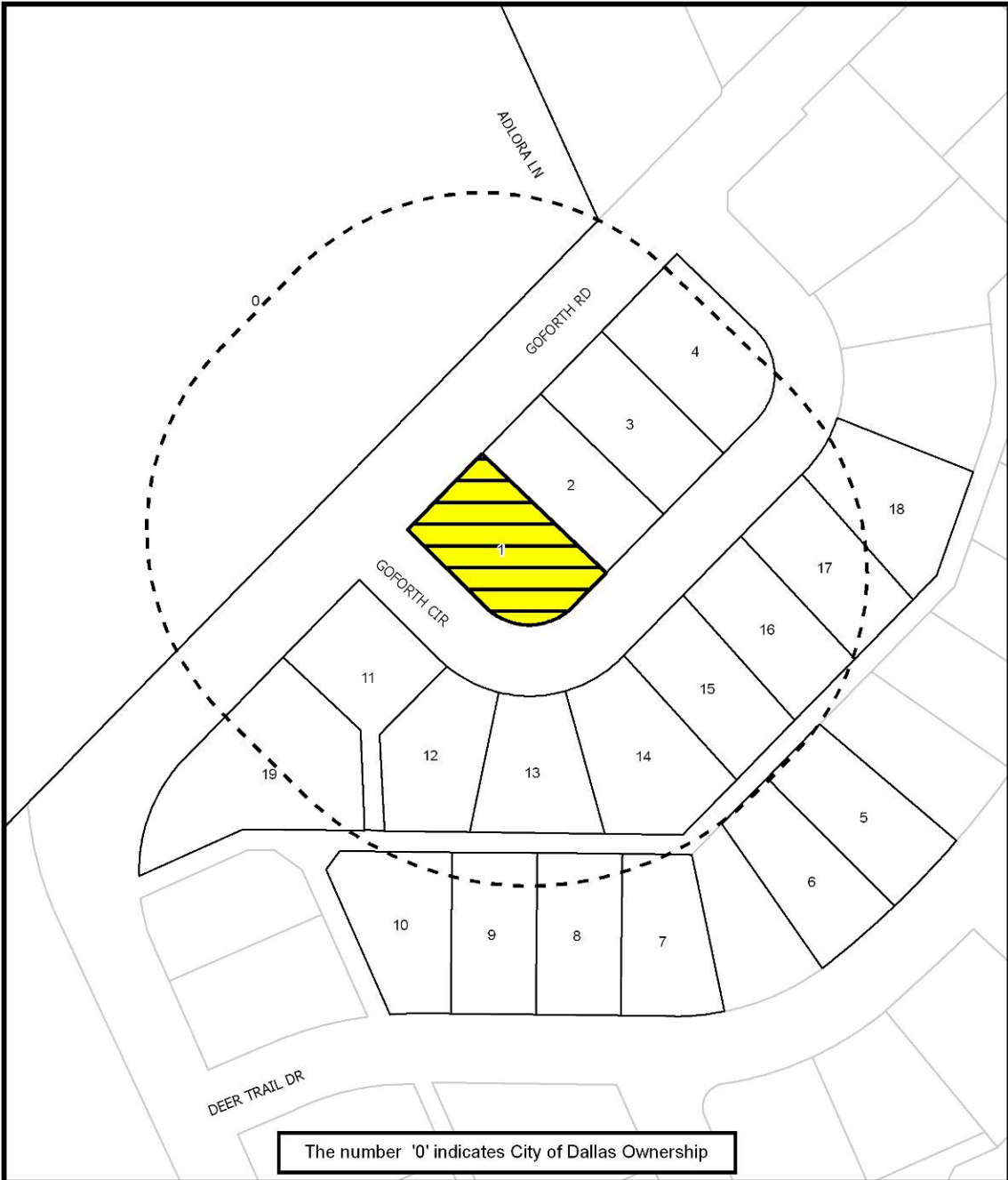
SHEET NUMBER
 A5



④ LEFT ELEVATION
 SCALE: 1/4"=1'-0"



③ REAR ELEVATION
 SCALE: 1/4"=1'-0"



 1:1,200	NOTIFICATION		Case no: BDA123-051
	<div style="border: 1px solid black; padding: 2px; display: inline-block;">200'</div> AREA OF NOTIFICATION <div style="border: 1px solid black; padding: 2px; display: inline-block;">19</div> NUMBER OF PROPERTY OWNERS NOTIFIED	Date: 5/1/2013	

Notification List of Property Owners

BDA123-051

19 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	7743 GOFORTH CIR	HAMILTON KATHRYN M
2	7749 GOFORTH CIR	BALDWIN ADAM K & SUMMER L
3	7753 GOFORTH CIR	WILSON ROBERT JOSEPH II
4	7757 GOFORTH CIR	BENNETT BRANDI
5	7741 DEER TRAIL DR	EAVAN RHYS A & MARK E KNUSSMANN
6	7735 DEER TRAIL DR	BONDY ROBERT & FABIANA MARTINEZ
7	7723 DEER TRAIL DR	WALKER VERNON W
8	7719 DEER TRAIL DR	SCHMID CAROL A & MCDEARMON JOHN L
9	7715 DEER TRAIL DR	VASSAUR JOHN LEWIS II
10	7711 DEER TRAIL DR	OSBORN PATRICIA J & DAVID SMITH
11	7728 GOFORTH CIR	SMITH ALEXANDER GEORGE
12	7732 GOFORTH CIR	GONZALES ANTONIO C
13	7736 GOFORTH CIR	ZAMORA PEDRO SOSA
14	7742 GOFORTH CIR	ZITMORE MILES & ESTHER
15	7746 GOFORTH CIR	RASMUSSEN ANNE REILLY
16	7750 GOFORTH CIR	NUTT TERRY L & STEPHANIE L
17	7754 GOFORTH CIR	KEATOR TODD DENISON
18	7758 GOFORTH CIR	GIMB INC
19	7720 GOFORTH RD	SOLOMON SAMUEL

FILE NUMBER: BDA 123-035

BUILDING OFFICIAL'S REPORT: Application of Thomas Bowen Wright for a variance to the front yard setback regulations at 4429 Pomona Road (AKA 8305 Catawba). This property is more fully described as Lot 4, Block G/4977 and is zoned R-10(A), which requires a front yard setback of 30 feet. The applicant proposes to construct and/or maintain a structure and provide a 13 foot 6 inch front yard setback, which will require a variance to the front yard setback regulations of 16 feet 6 inches.

LOCATION: 4429 Pomona Road (AKA 8305 Catawba)

APPLICANT: Thomas Bowen Wright

REQUEST:

A variance to the front yard setback regulations of 16' 6" is made in conjunction with updating/maintaining a single family home structure located 13' 6" from the front property line or 16' 6" in the site's 30' front yard setback.

STANDARD FOR A VARIANCE:

The Dallas Development Code specifies that the board has the power to grant variances from the front yard, side yard, rear yard, lot width, lot depth, coverage, floor area for structures accessory to single family uses, height, minimum sidewalks, off-street parking or off-street loading, or landscape regulations provided that the variance is:

- (A) not contrary to the public interest when, owing to special conditions, a literal enforcement of this chapter would result in unnecessary hardship, and so that the spirit of the ordinance will be observed and substantial justice done;
- (B) necessary to permit development of a specific parcel of land that differs from other parcels of land by being of such a restrictive area, shape, or slope, that it cannot be developed in a manner commensurate with the development upon other parcels of land with the same zoning; and
- (C) not granted to relieve a self created or personal hardship, nor for financial reasons only, nor to permit any person a privilege in developing a parcel of land not permitted by this chapter to other parcels of land with the same zoning.

STAFF RECOMMENDATION:

Approval, subject to the following condition:

- Compliance with the submitted "site/roof plan" is required.

Rationale:

- The lot's restrictive area of approximately 0.22 acres (or approximately 9,600 square feet) precludes the applicant from developing it in a manner commensurate with other developments found on similarly-zoned R-10(A) lots. In this particular case, the area of the structure in the site's front yard setback is of a similar size as to how much less the property is in relation to other R-10(A) zoned properties: approximately 400 square feet.

BACKGROUND INFORMATION:

Zoning:

- Site: R-10(A) (Single family district 10,000 square feet)
- North: R-10(A) (Single family district 10,000 square feet)
- South: R-10(A) (Single family district 10,000 square feet)
- East: PD 455 & R-10(A) (Planned Development & Single family district 16,000 square feet)
- West: R-10(A) (Single family district 10,000 square feet)

Land Use:

The subject site is developed with a single family home. The areas to the north, south, east, and west are developed with single family uses.

Zoning/BDA History:

There has not been any recent related board or zoning cases recorded either on or in the immediate vicinity of the subject site.

Timeline:

- February 21, 2013: The applicant submitted an "Application/Appeal to the Board of Adjustment" and related documents which have been included as part of this case report.
- March 19, 2013: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel B.
- March 19, 2013: The Board Administrator emailed the applicant the following information:
 - an attachment that provided the public hearing date and panel that will consider the application; the March 27th deadline to submit additional evidence for staff to factor into their analysis; and the April 5th deadline to submit additional evidence to be incorporated into the Board's docket materials;
 - the criteria/standard that the board will use in their decision to approve or deny the request; and
 - the Board of Adjustment Working Rules of Procedure pertaining to "documentary evidence."

April 2, 2013: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for April public hearings. Review team members in attendance included: the Sustainable Development and Construction Department Current Planning Division Assistant Director, the Sustainable Development and Construction Department Engineering Division Assistant Director, the Board Administrator, the Building Inspection Senior Planner, the Building Inspection Senior Plans Examiner/Development Code Specialist, the Chief Arborist, and the Assistant City Attorney to the Board.

No review comment sheets with comments were submitted in conjunction with this application.

April 17, 2013: The Board of Adjustment Panel B conducted a public hearing on this application and held it under advisement until their next hearing to be held on May 22, 2013.

April 24, 2013: The Board Administrator sent a letter to the applicant noting the April 17th action of the Board, the May 1st deadline to submit any new information for staff review, and the May 10th deadline to submit additional evidence to be incorporated into the Board's docket materials.

May 3, 2013: The applicant submitted additional documentation on this application to the Board Administrator beyond what was submitted with the original application and beyond what was submitted to the Board at the April 17th public hearing (see Attachment A).

GENERAL FACTS/STAFF ANALYSIS:

- This request focuses on updating/maintaining a portion of an approximately 2,700 single-story single family home in the site's 30' front yard setback.
- Structures on lots zoned R-10(A) are required to provide a minimum front yard setback of 30'.
- The subject site is located at the west corner of Pomona Road and Catawba Road. Regardless of how the existing single family structure is oriented northeastward to Catawba Road, the subject site has a 6' side yard setback along Catawba Road and a 30' front yard setback on Pomona Road.
- A scaled site plan had been submitted indicating that part of the single family home structure is 13.5' from the site's front property line or 16.5' into the 30' front yard setback.
- A "site/roof plan" has been submitted that notes "existing garage (hatched area) within setback shall remain as is (no foundation or height change)." The applicant has represented that this plan submitted after the April public hearing does not

I move that the Board of Adjustment, in Appeal No. **BDA 123-035** suspend Robert's Rules of Order and allow discussion prior to a motion being made.

SECONDED: **Leone**

AYES: 5– Reynolds, Gillespie, Leone, Agnich, Gaspard

NAYS: 0 –

MOTION PASSED 5 – 0 (unanimously)

MOTION #2: **Gaspard**

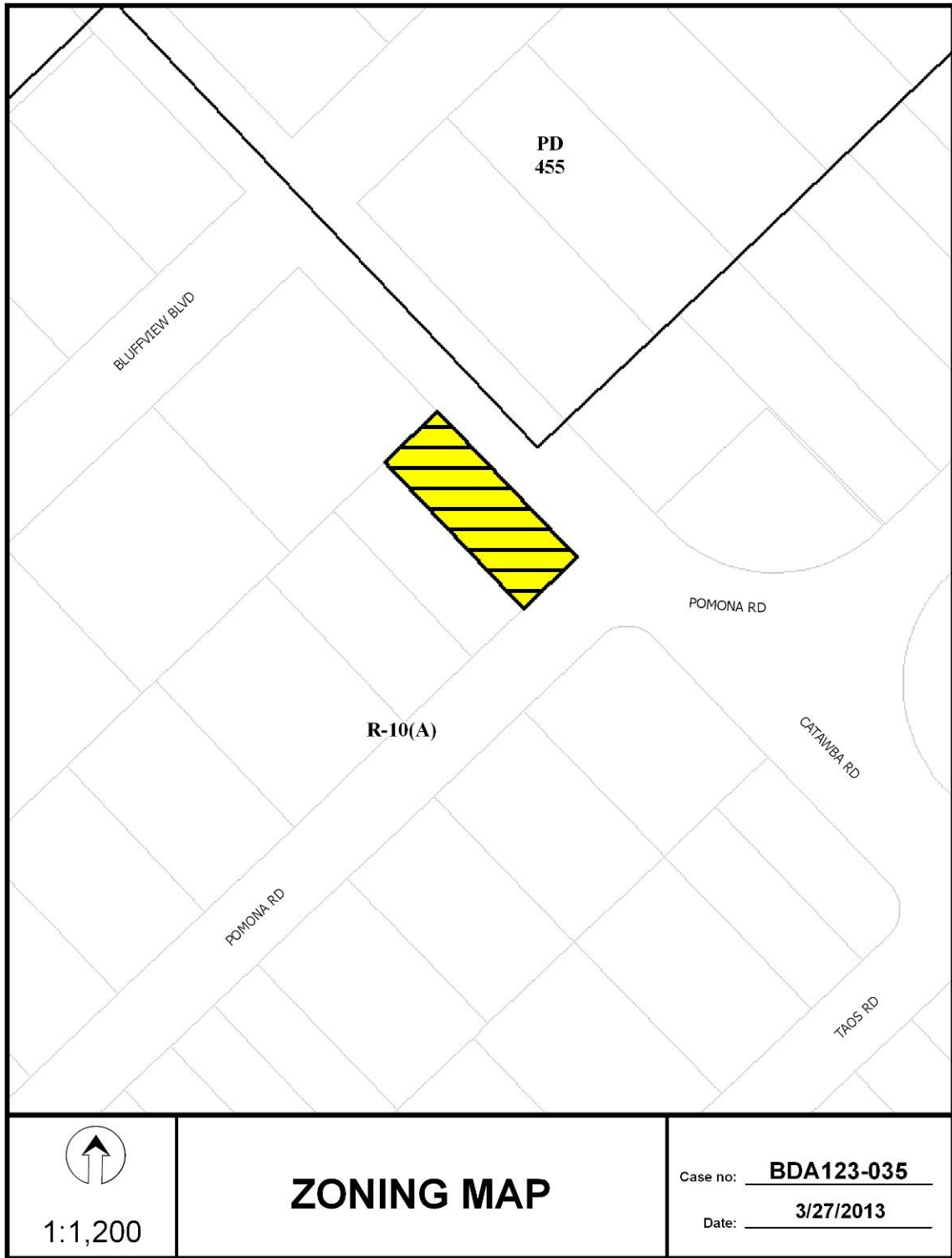
I move that the Board of Adjustment, in Appeal No. **BDA 123-035** hold this matter under advisement until **May 22, 2013**.

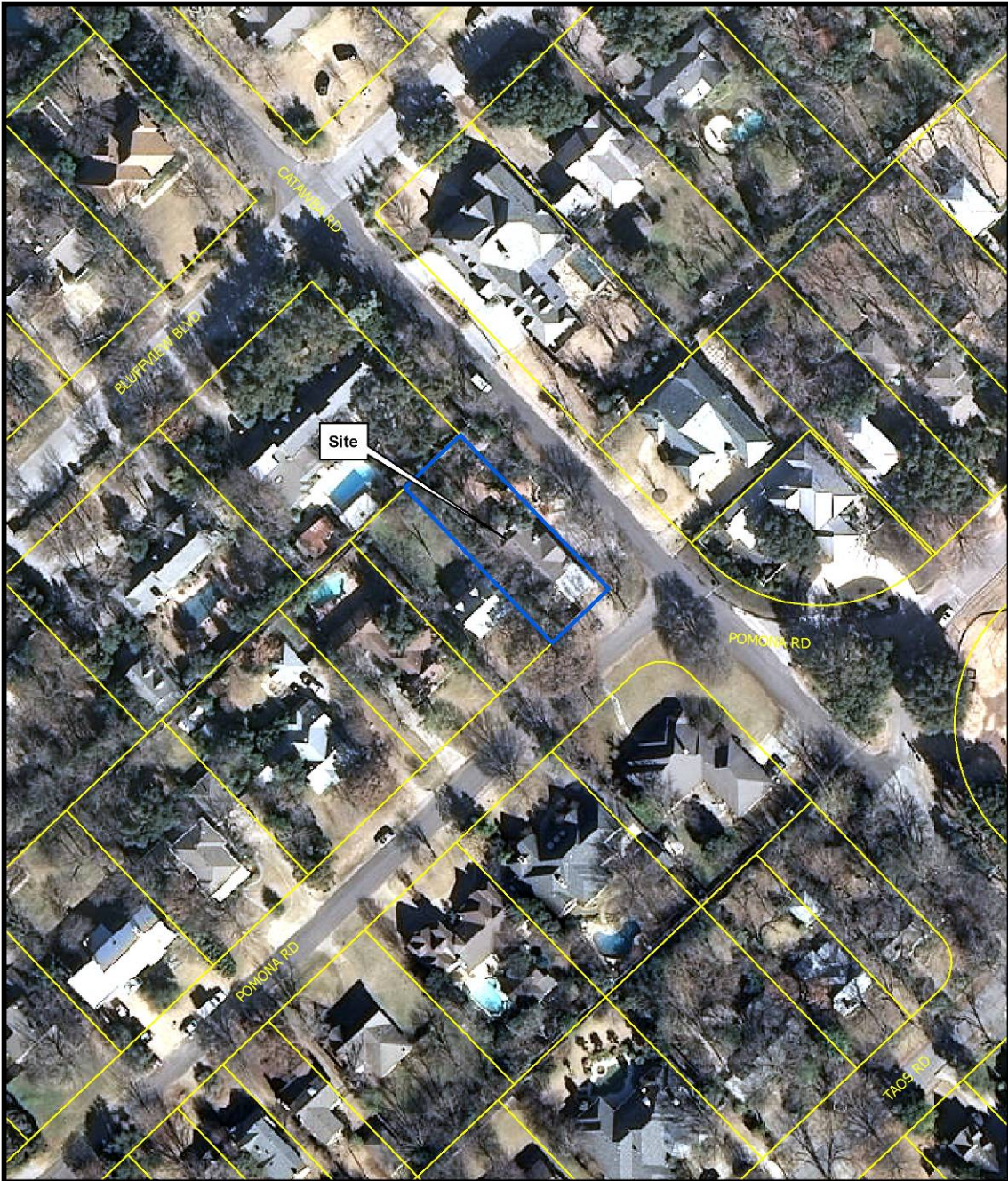
SECONDED: **Gillespie**

AYES: 5– Reynolds, Gillespie, Leone, Agnich, Gaspard

NAYS: 0 –

MOTION PASSED 5 – 0 (unanimously)





1:1,200

AERIAL MAP

Case no: BDA123-035

Date: 3/27/2013

Thomas and Stephanie Bowen Wright
4429 Pomona Road
Dallas, Texas 75209

Hearing Date: May 22, 2013
Re: BDA 123-035

Panel B, Board of Adjustment and
Steve Long, Board Administrator
City of Dallas

Dear Members of Panel B and Mr. Long,

Enclosed please find supporting documents for case number 123-035 (4429 Pomona Road).

Here is an outline of the documents provided hereafter:

- 1.) Newly submitted site plans for the May 22nd hearing.
The Plans submitted for the April hearing were representative of the updates we wanted to make to the garage – a new roof, new shingles and new paint; however, after hearing of a certain neighbors disdain of our garage aesthetically, we are submitting new plans which **DO** update the garage aesthetically by adding a gable, wooden shutters and planter boxes in addition to replacing the roof, shingles and re-painting. What these new site plans **DO NOT** do is change in any way, shape or form, the footprint of the garage. The height has **NOT** been changed – it remains 8' 10.5" at the entrance and gradually slopes up to 10' 4" at the back of the garage.
- 2.) A diagram representing corner lots in the Bluffview Estates neighborhood which are zoned R-10 (A) – which by definition has a minimum lot size of 10,000 square feet. We have identified where our lot fits in to this mix against other corner lots in the Bluffview Estates neighborhood.
- 3.) Representation of the trees that would need to come down if the garage was moved to the North side of the property.

Thank you for your consideration and attention to this matter,
Stephanie Bowen Wright

ARCHITECTURAL DRAWING NOTES

- DO NOT SCALE THE DRAWINGS. CONTACT DESIGNER IF NECESSARY TO DETERMINE ANY DIMENSIONS THAT ARE NOT INDICATED.
- CONTRACTOR SHALL VERIFY DIMENSIONS AND NOTIFY DESIGNER OF ANY DISCREPANCIES.
- ALL DIMENSIONS ARE TO SURFACE OF EXTERIOR FINISH UNLESS NOTED OTHERWISE.
- WIDTH OF EXTERIOR STUDS WITH MASONRY VENEER ARE AS FOLLOWS: 4" WITH 2X4 STUDS, 6" WITH 2X6 STUDS, 8" WITH 2X8 STUDS, UNLESS NOTED OTHERWISE.
- REFER TO EXTERIOR ELEVATIONS, BUILDING SECTIONS, WALL SECTIONS, AND/OR FLOOR PLANS TO DETERMINE WALL PLATE HEIGHTS.
- REFER TO EXTERIOR ELEVATIONS, FLOOR PLAN ANNOTATION, WINDOW SCHEDULE, OR WINDOW TYPE DETAILS FOR WINDOW HEADS.
- REFER TO FLOOR PLANS OR ROOF FINISH SCHEDULE (IF PROVIDED) FOR CEILING HEIGHTS.
- ALL FLOOR FINISH HEIGHTS WHERE FLOORING CHANGES SHALL MATCH. FLOOR ELEVATIONS AT ALL FLOORS, IF ANY, IS TO THE TOP OF 1/2" THICK T&G PLYWOOD SUBFLOORING.
- REFER TO ELEVATIONS FOR ROOFS TO BE GUTTERED. SUBMIT PROPOSED LOCATIONS TO OWNER/DESIGNER FOR REVIEW AND APPROVAL.

GENERAL CONSTRUCTION NOTES

- ALL CONSTRUCTION SHALL COMPLY WITH ALL APPLICABLE BUILDING CODES, RELATED APPLICANCES, AND ANY RELATED ORDINANCES, REGULATIONS OR ANY OTHER BODY HAVING JURISDICTION OVER THE PROJECT.
- CONTRACTOR SHALL USE HIS BEST EFFORTS, SKILLS, JUDGEMENT, AND ABILITIES WITH RESPECT TO THE CONSTRUCTION OF THE PROJECT, AND FURTHER THE INTERESTS OF THE OWNER IN ACCORDANCE WITH THE HIGHEST PROFESSIONAL STANDARDS AND ACCEPTABLE METHODS OF CONSTRUCTION. CONTRACTOR SHALL BE SOLELY RESPONSIBLE FOR CONSTRUCTION MEANS, METHODS, TECHNIQUES, SEQUENCES AND PROCEDURES REQUIRED FOR SAFE EXECUTION AND COMPLETION OF WORK.
- ANY ERRORS, OMISSIONS, AND INCONSISTENCIES IN DRAWINGS OR AMBIGUITIES BETWEEN THE DRAWINGS AND THE SITE CONDITIONS, SHALL BE BROUGHT TO THE ATTENTION OF THE DESIGNER AND/OR OWNER. FAILURE TO NOTIFY THE OWNER OR DESIGNER IN SUCH EVENT WILL CONSTITUTE ACCEPTANCE OF ANY RESULTING DELAY, COSTS, OR RESPONSIBILITIES WITH REGARD TO DELAYS, COSTS, AND LEGAL REMEDIES RESULTING FROM THE RELATED WORK.
- CIVIL, MECHANICAL, ELECTRICAL, AND LANDSCAPE DRAWINGS ARE PROVIDED BY THE OWNER/CONTRACTOR. FOR OTHERS AS AUTHORIZED BY THE OWNER/CONTRACTOR.

GENERAL CONSTRUCTION NOTES

- CIVIL, MECHANICAL, ELECTRICAL, AND LANDSCAPE DRAWINGS ARE PROVIDED BY THE OWNER/CONTRACTOR. FOR OTHERS AS AUTHORIZED BY THE OWNER/CONTRACTOR.
- CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING AN ACCURATE SURVEY OF THE FOUNDATION/FORWORK AFTER IT IS ERECTED AND PRIOR TO THE POURING OF THE CONCRETE, WHICH CERTIFIES THAT THE STRUCTURE IS WITHIN THE ALLOWABLE BUILDING AREA FOR THE PROJECT. COPIES ARE PROVIDED AS NEEDED.
- EXACT SIZE AND REINFORCEMENT OF ALL CONCRETE WORK SHALL BE ACCORDING TO RECOMMENDATIONS FROM THE ENGINEERED SOILS REPORT (PROVIDED BY OTHERS) AND ACCEPTABLE PRACTICES OF CONSTRUCTION.
- WOOD STUD WALLS: 2X4'S @ 16" O.C. TO A MAXIMUM HEIGHT OF 10'-0" SUPPORTING ONE FLOOR, ROOF AND CEILING. WALL HEIGHTS EXCEEDING 10'-0" REQUIRE STRUCTURAL ANALYSIS TO DETERMINE APPROPRIATE STUD SIZE AND SPACING. ALL FLOOR PLAN ANGLES ARE 90 OR 45 DEGREES UNLESS NOTED OTHERWISE.
- CONTRACTOR SHALL SIZE ELECTRICAL SYSTEMS TO COMPLY WITH ALL LOCAL CODE REQUIREMENTS.
- ALL APPLIANCES, PLUMBING, AND LIGHTING FIXTURES NOT SPECIFIED IN THE DRAWINGS, SHALL BE PROPOSED TO THE OWNER FOR APPROVAL PRIOR TO PURCHASE AND INSTALLATION.
- CONTRACTOR SHALL SIZE HEATING AND COOLING LOADS TO COMPLY WITH LOCAL CODES, CLIMATIC CONDITIONS, AND BUILDING ORIENTATION.
- CONTRACTOR SHALL VERIFY WITH OWNER ALL INTERIOR AND EXTERIOR FINISHES PRIOR TO PURCHASE AND INSTALLATION.
- LOCATION OF HVAC UNITS TO BE DETERMINED BY OTHERS. SUBMIT PROPOSED LOCATIONS TO OWNER FOR REVIEW AND APPROVAL.
- ATTIC AND CRAWLSPACE (IF ANY) VENTILATION SHALL COMPLY WITH LOCAL CODES.
- VENTS: CLOTHES DRYER AND ALL KITCHEN AND BATHROOM EXHAUST FANS TO THE OUTSIDE.

SHEET LISTING

- A1.01 - COVER SHEET/GENL. NOTES/SITE PLAN
- A1.02 - DEMO PLAN / DEMO NOTES
- A1.03 - RENOVATION PLAN
- A1.04 - EXTERIOR ELEVATIONS
- A1.05 - EXT. ELEV. / WINDOW SCHED.
- E1.01 - FIRST FLOOR LIGHT / ELEC. PLAN

AREA CALCULATIONS

HOUSE	AIR COND. SPACE	OUTSIDE FACE OF FINISH
1ST FLOOR	2,665 SF	
2ND FLOOR	NA	
TOTAL	2,665 SF	

UN-USE	COND. SPACE	FRONT PORCH	OUTDOOR LIVING	GARAGE	UN AC STORAGE
		N/A	N/A	N/A	N/A
TOTAL	NA				

ALL TRADES SHALL BE RESPONSIBLE FOR THEIR OWN FINAL AREA CALCULATIONS. SQUARE FOOTAGE SHOWN IN TABLE ABOVE ARE FOR REFERENCE PURPOSES ONLY.

PROJECT DIRECTORY

DESIGNER: CURTIS BURLEAW
214-968-6483
CURTIS@BURLEAWARCHITECT.COM

BUILDER: REDO REMODELING
WWW.REDOREM.COM
214-853-4776
DALLAS, TEXAS

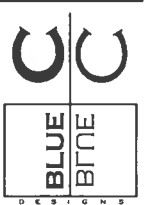
CITY: CITY OF DALLAS
INSPECTIONS: 214-968-6480

PROJECT LOCATION

SITING THE NORTHEAST 1/2 OF LOT 6, IN BLOCK 60007 OF BLUFF VIEW SETBACK ADDITION, IN ADDITION TO THE CITY OF DALLAS, DALLAS COUNTY, TEXAS ACCORDING TO THE PLAT RECORDED THEREOF RECORDED IN VOLUME 3, PAGE 208, OF THE MAP RECORDS, DALLAS COUNTY, TEXAS.

ZONING/BUILDING CODES

CITY FOR ZONING: DALLAS
ZONING DISTRICT: R4-60 (R4S)
FRONTIARD SETBACK: 30'-0"
SIDEYARD SETBACK: 8'-0"
REAR YARD SETBACK: 6'-0"
LOT AREA: 9,970 SF
ALLOWABLE LOT COVERAGE: 45% OR 4,585 SF
ACTUAL LOT COVERAGE: 60% OF ALLOWABLE OF 2,991 SF
HARPER ROOF HEIGHT (MEASURED TO HIPS/TOP OF ROOF): 35'-0"



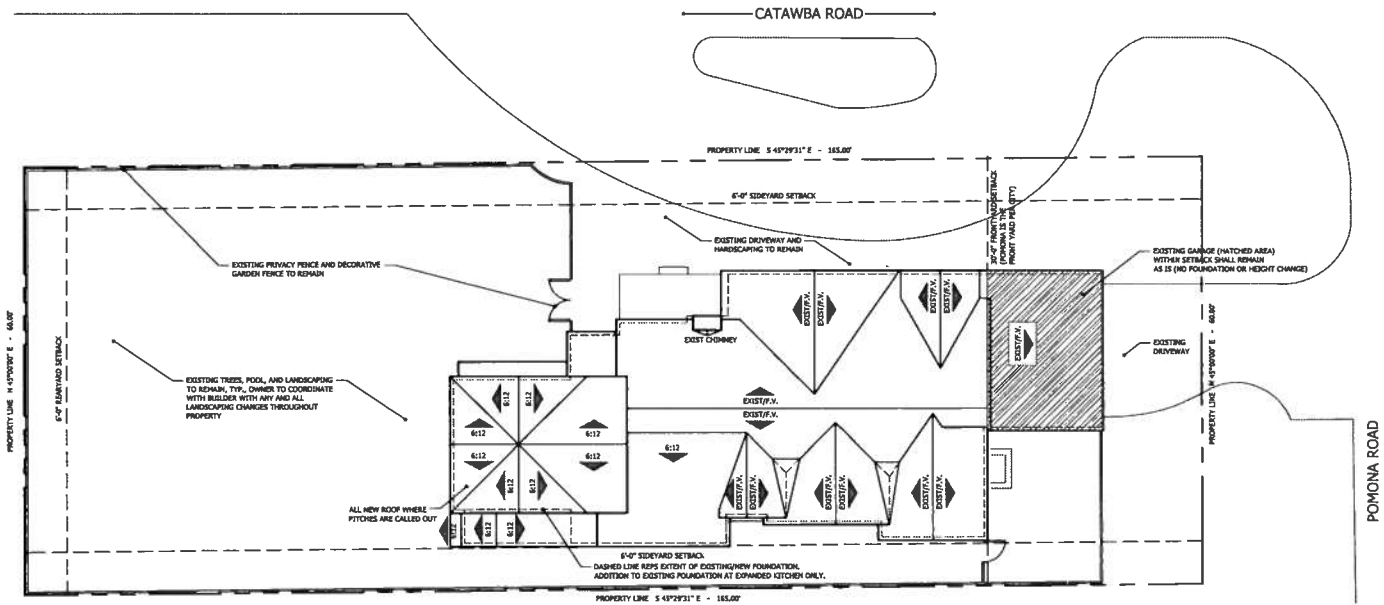
214.968.6483 - CURTIS@BURLEAW.COM
RENOVATION SERVICES
CONTRACTOR - 214.968.6483
ARCHITECTURAL AND INTERIOR DESIGN - 214.968.6483
RENOVATION PROJECTS
RENOVATION PROJECTS
RENOVATION PROJECTS
RENOVATION PROJECTS

A RENOVATION TO THE RESIDENCE AT
4429 POMONA ROAD
IN THE CITY OF DALLAS, TEXAS
FOR REDO REMODELING

ISSUE DATE
11 DEC 2012 - OWNER CHANGE
20 FEB 2013 - VARIANCE REVIEW
22 MARCH 2013 - ISSUE FOR CONST
23 APRIL 2013 - ISSUE FOR CONST

SHEET TITLE
SITE/ROOF PLAN
GENERAL NOTES

SHEET #
A1.01
PROJECT #
12-31



01 SITE/ROOF PLAN
SCALE: 1/8" = 1'-0"

Supporting Documents for Setback Variance for 4429 Pomona Rd, Dallas TX



Board of Adjustment Hearing Date: 05/22/2013
Case Number: BDA 123-035

BDA 123-035
Attach A
Pg 4

Context to variance request

Owners are requesting setback variance (16.5 ft) to the existing 30ft front yard setback **so that they can keep the existing garage that has been in place for approximately 36 years.**

Owners **only became aware of variance issue during permit discussions** with the city:

- Issue was **not disclosed in seller's disclosure** (in Oct. 2010, nor in Nov. 2007)
- Issue **not picked up by title insurance** company (Republic Title)

If the variance is not given, the owners may be required to demolish the existing garage and find a different location within their property to build another area to park their vehicles.

Key arguments for granting the variance request:

- Owners are **NOT** seeking to expand the footprint of the existing garage, but merely wanting to be able to pull permits to improve the conditions and aesthetics of the current garage as outlined in the plans provided.
- Lot's restrictive area of 9,600 sq ft is approximately 400 sq ft **less than the required minimum lot size for R-10(A)** (approx. size of variance request) and significantly less than other corner lots in the Bluffview neighborhood (**See 51A-4.100 of the Dallas Development Code for specific details**).
- If owners are required to move the garage location to the North side of the property, it would result in the loss of **at least** 4 mature trees, 2 of which are of the Red Oak family. This would result in a negative impact on the land and the aesthetics of the Bluffview Estates neighborhood for generations to come.

Size Argument: Current lot size is prohibitively small for R-10 (A) Zoning

A Lot size is below the minimum size requirement for R-10(A) zoning

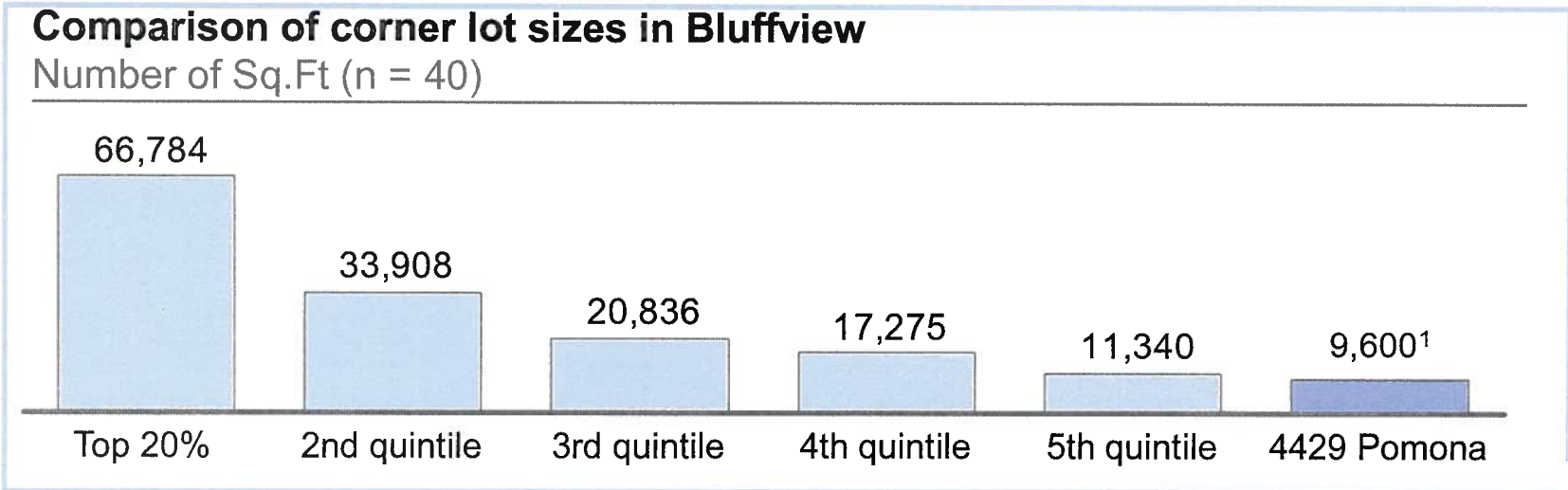
Dallas
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Dallas Zoning Districts
R-10(A) - Single Family 10,000 Square Feet District

The attached documents list the general guidelines to the Yard, Lot and Space Regulations. There may be exceptions to this information. See 51A-4.100 of the Dallas Development Code for specific details.

B Lot size is significantly lower than corner lot sizes in the Bluffview Estates neighborhood

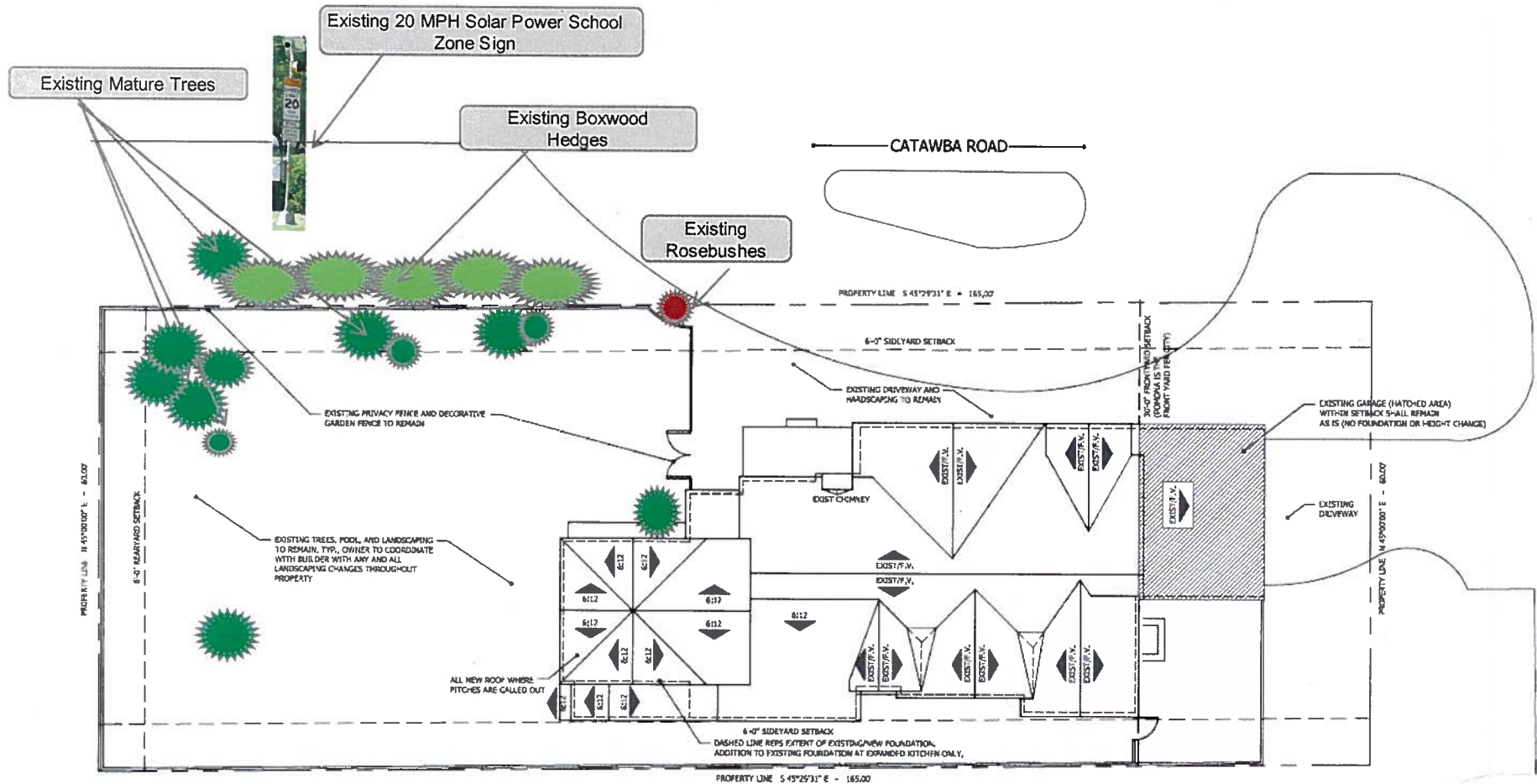


SOURCE: Dallas City Hall Zoning Website, Zillow (April, 2013)

¹ According to Dallas City Records

Relocating the Garage to North side of property would result in negative environmental impact due to the removal of a minimum of 4 mature trees

Location of garage would need to move to the backyard, impacting the topography of Catawba by the removal of mature trees and hedges



Last Modified 4/28/2013 11:12:1

DPOB VNOMOD

BDA 123-035
Attach A
Pg 8

Image of Trees, hedges and 20 MPH Solar Power sign that would need to be removed in order to move parking to opposite side of home.



View of Catawba landscaping that would be demolished if forced to relocate garage





City of Dallas

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 123-035

Data Relative to Subject Property:

Date: February 21, 2013

Location address: 4429 Pomona Road, Dallas, TX 75209

Zoning District: R-10(A)

Lot No.: 4 Block No.: G/4977 Acreage: .22 Census Tract:

Street Frontage (in Feet): 1) 165 2) 60

To the Honorable Board of Adjustment:

Owner of Property (per Warranty Deed): Thomas Bowen Wright

Applicant: Thomas Bowen Wright

Telephone: 210-414-0627

Mailing Address: 8305 Catawba Road, Dallas, TX

Zip Code: 75209

E-mail Address: stephanie.l.albert@gmail.com

Affirm that an appeal has been made for a Variance of 10.5 feet to the front yard setback.

Where with Application is made to the Board of Adjustment, in accordance with the provisions of the Dallas Development Code, to grant the described appeal for the following reason: Whereby the nature of our property – that being on a corner lot, and roughly 1,000 square feet smaller than other similar corner lots in the subdivision the 10.5 foot variance would be necessary to permit the development of a specific parcel of land being of such a restrictive area, size and shape (corner lot, roughly 1,000 SF smaller than similar corner lots in the subdivision) that it cannot be developed in a manner commensurate with the development upon other parcels of land in districts with the same zoning classification.

Note to Applicant: If the appeal requested in this application is granted by the Board of Adjustment, a permit must be applied for within 180 days of the date of the final action of the Board, unless the Board specifically grants a longer period.

Affidavit

Before me the undersigned on this day personally appeared THOMAS BOWEN WRIGHT,
(Affiant/Applicant's name printed)

who on (his/her) oath certifies that the above statements are true and correct to his/her best knowledge and that he/she is the owner/or principal/or authorized representative of the subject property.

Respectfully submitted: [Signature]
(Affiant/Applicant's signature)

Subscribed and sworn to before me this 1 day of MARCH, 2013

(Rev. 08-01-11)

[Signature]
Notary Public in and for Dallas County, Texas



MEMORANDUM OF
ACTION TAKEN BY THE
BOARD OF ADJUSTMENT

Date of Hearing _____

Appeal was--Granted OR Denied

Remarks _____

Chairman

Building Official's Report

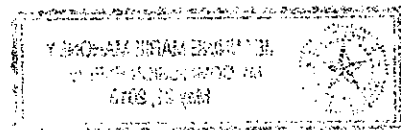
I hereby certify that Thomas Bowen Wright

did submit a request for a variance to the front yard setback regulations
at 4429 Pomona Road

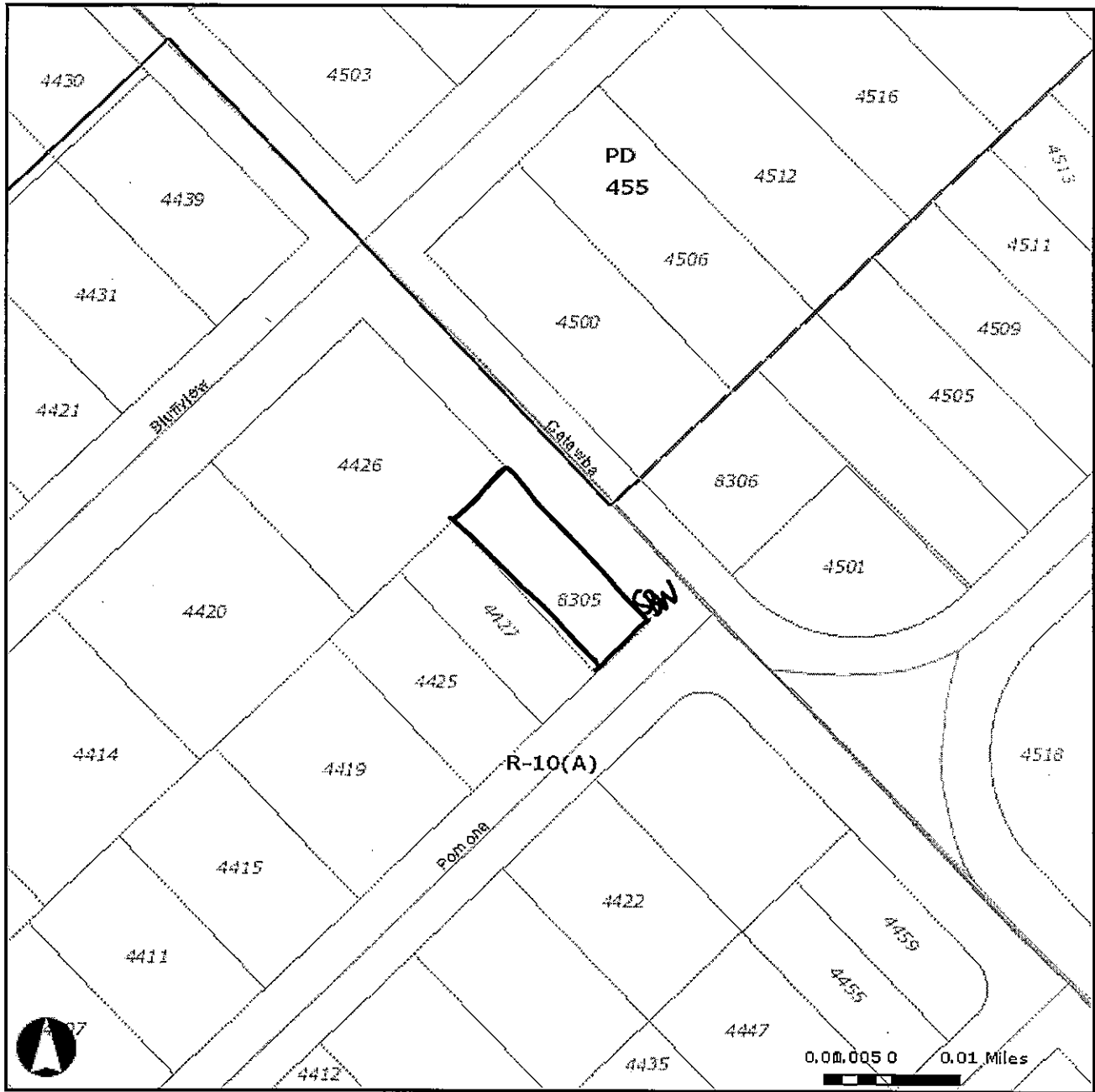
BDA123-035. Application of Thomas Bowen Wright for a variance to the front yard setback regulations at 4429 Pomona Road. This property is more fully described as Lot 4, Block G/4977 and is zoned R-10(A), which requires a front yard setback of 30 feet. The applicant proposes to construct and maintain a single family residential structure and provide a 13 foot 6 inch front yard setback, which will require a 16 foot 6 inch variance to the front yard setback regulation.

Sincerely,

Larry V. Holmes
Larry Holmes, Building Official



City of Dallas Zoning



City Boundaries



County



Certified Parcels



DISD Sites



Council Districts



Waterways



Parks



Dry Overlay



Historic Overlay



Historic Subdistricts



NSO Overlay



NSO Subdistricts



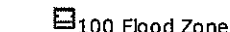
MD Overlay



Base Zoning



Floodplain



100 Flood Zone



Mill's Creek



Peak's Branch

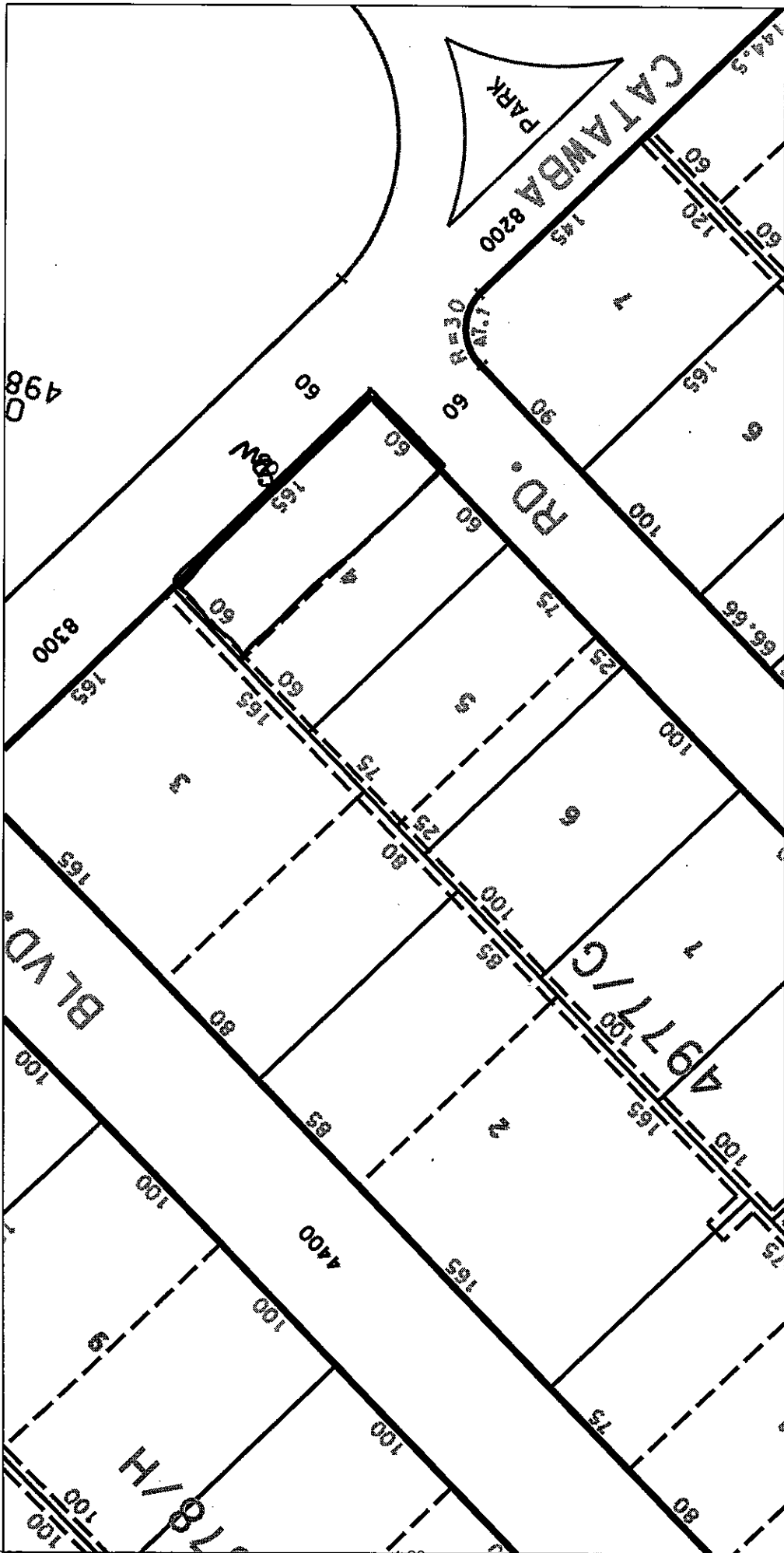


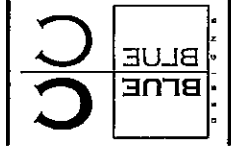
X PROTECTED BY LEVEE

Pedestrian Overlay



Environmental Corridors





FOR REDO REMODELING
IN THE CITY OF DALLAS, TEXAS
4429 POMONA ROAD
A RENOVATION TO THE RESIDENCE AT

ISSUE DATE
01/07/2012 - ISSUED FOR PERMIT
01/20/2012 - ISSUED FOR PERMIT
11/08/2012 - OWNER CHANGES
20/FEB/2013 - FINANCE REVIEW

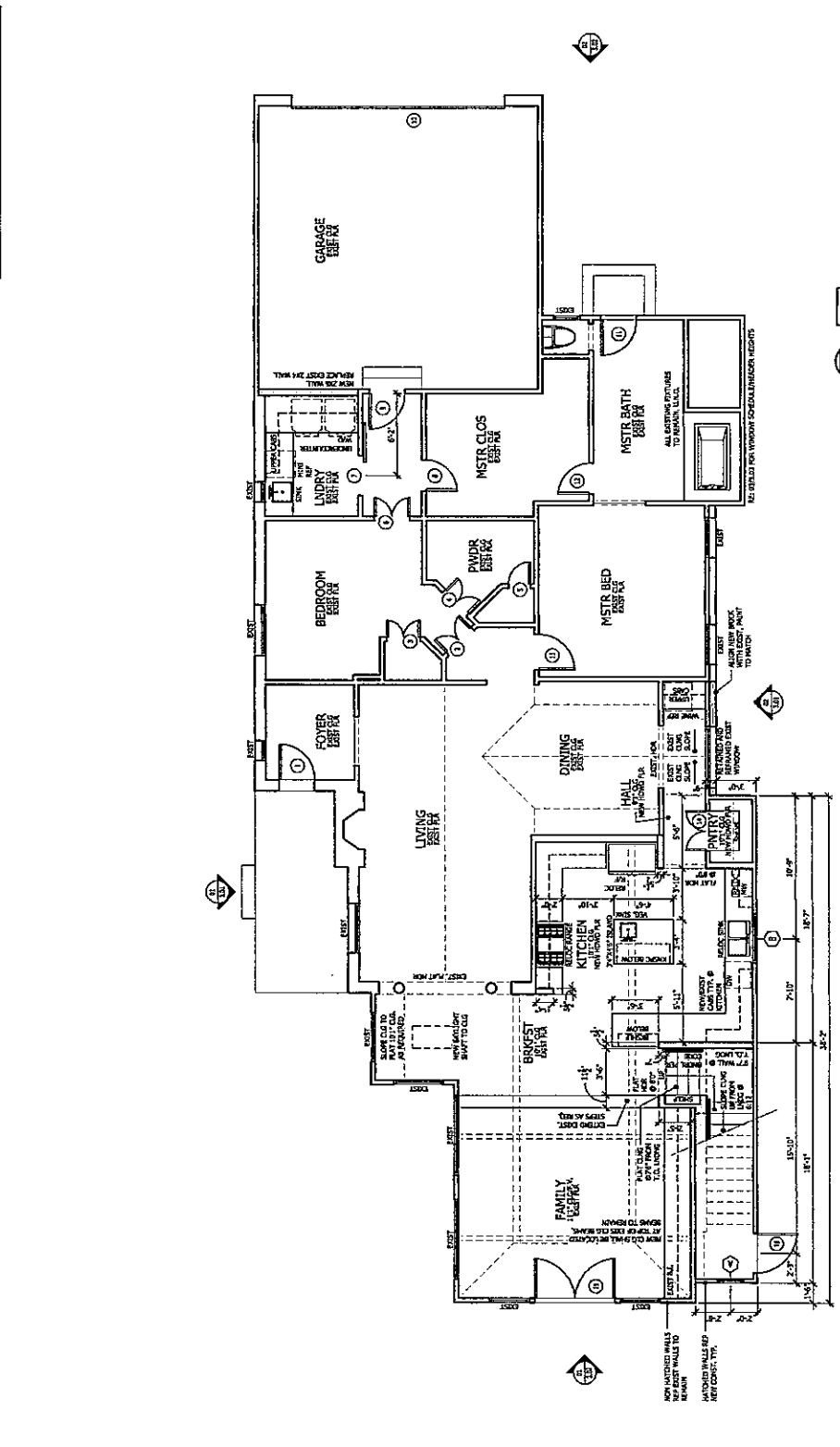
SHEET TITLE
1ST FLOOR
PLAN

SHEET #
A2.01

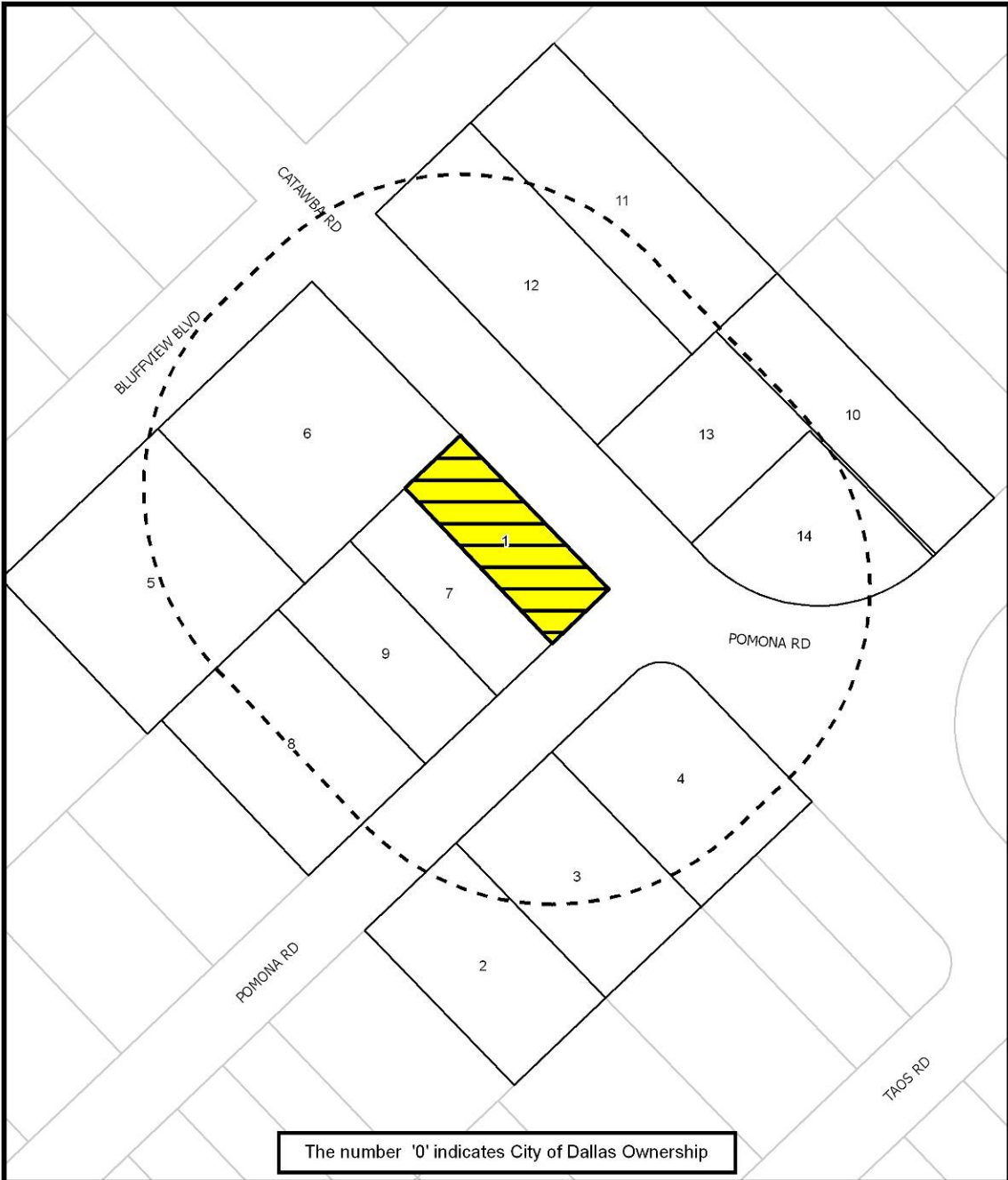
PROJECT #
1231

- GENERAL PLAN NOTES**
1. TO GET FULL TO FINISH, CONTACT DESIGNER AS NECESSARY TO DETERMINE AND PROVIDE ANY DIMENSIONS THAT ARE NOT INDICATED.
 2. CONTRACTOR SHALL VERIFY DIMENSIONS AND VERIFY DESIGNER.
 3. ALL DIMENSIONS ARE TO SURFACE OF EXTERIOR FINISH UNLESS NOTED OTHERWISE.
 4. FINISH OF EXTERIOR BLINDS WITH MASONRY VENEER ARE AS FOLLOWS: UNLESS NOTED OTHERWISE, 1/2" WITH 2" STAIR.
 5. THICKNESS OF ALL FINISHING SHALL BE AS FOLLOWS: UNLESS NOTED OTHERWISE, 1/2" WITH 2" STAIR.
 6. ALL FINISHING SHALL BE AS FOLLOWS: UNLESS NOTED OTHERWISE, 1/2" WITH 2" STAIR.
 7. ALL FINISHING SHALL BE AS FOLLOWS: UNLESS NOTED OTHERWISE, 1/2" WITH 2" STAIR.
 8. CONTRACTOR SHALL VERIFY ALL DIMENSIONS AND EXTERIOR FINISHING PRIOR TO FINAL PURCHASE AND INSTALLATION.

UNIT SIZE (WIDTH/HEIGHT)	TYPE	DESCRIPTION
1ST FLOOR DOOR SCHEDULE		
1	EXISTING	EXISTING
2	EXISTING	EXISTING
3	EXISTING	RELOCATED EXIST. DOUBLE W.
4	EXISTING	EXISTING
5	EXISTING	EXISTING
6	EXISTING	EXISTING
7	3'0" x 6'0"	WOOD BARN STYLE DOOR ON TRACK
8	EXISTING	EXISTING
9	EXISTING	EXISTING
10	EXISTING	EXISTING
11	EXISTING	EXISTING
12	EXISTING	EXISTING
13	EXISTING	EXISTING
14	3'0" x 6'0"	WOOD BARN STYLE DOOR ON TRACK
15	EXISTING	EXISTING
16	3'0" x 6'0"	METAL
17		



01 RENOVATION FLOOR PLAN



 1:1,200	<h2 style="text-align: center;">NOTIFICATION</h2> <table border="1" style="width: 100%;"> <tr> <td style="text-align: center;">200'</td> <td>AREA OF NOTIFICATION</td> </tr> <tr> <td style="text-align: center;">14</td> <td>NUMBER OF PROPERTY OWNERS NOTIFIED</td> </tr> </table>	200'	AREA OF NOTIFICATION	14	NUMBER OF PROPERTY OWNERS NOTIFIED	Case no: BDA123-035 Date: 3/27/2013
200'	AREA OF NOTIFICATION					
14	NUMBER OF PROPERTY OWNERS NOTIFIED					

Notification List of Property Owners

BDA123-035

14 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	8305 CATAWBA RD	WRIGHT THOMAS BOWEN
2	4420 POMONA RD	PERSON KENNETH E & TERESA J
3	4422 POMONA RD	MCCAFFREY MAUREEN
4	4426 POMONA RD	LOPEZ WILLIE & DOLORES
5	4420 BLUFFVIEW BLVD	MARKER CHARLES P & LOUISE E
6	4426 BLUFFVIEW BLVD	BROUS TYLER & MIA
7	4427 POMONA RD	VOTTELER SALLY ANN & VAN BUTENSCHOEN
8	4419 POMONA RD	WHITLEY SARA M FAM TRUST
9	4425 POMONA RD	MCCORMICK RICHARD A & PEGGY S
10	4503 POMONA RD	LARSON SIDNEY
11	4506 BLUFFVIEW BLVD	ORAL J ALEX
12	4500 BLUFFVIEW BLVD	WEST THOMAS ALONZO TR & WEST EMILY KAY T
13	8306 CATAWBA RD	EAPEN REENU S & MARK L ROSE
14	4501 POMONA RD	MATTINGLY JAMES R & JUDITH SHURE

FILE NUMBER: BDA 123-052

BUILDING OFFICIAL'S REPORT: Application of Jonathan Vinson for a variance to the height regulations and a special exception to the landscape regulations at 2001 McKinney Avenue (AKA 2222 N. Harwood Street). This property is more fully described as Lot 1, Block A/948, and is zoned PD-193 (HC), which limits the maximum building height to 240 feet and requires mandatory landscaping. The applicant proposes to construct and maintain a structure and provide (1) a building height of 335 feet, which will require a variance to the height regulations of 95 feet; and (2) an alternate landscape plan/proposal, which will require a special exception to the landscape regulations.

LOCATION: 2001 McKinney Avenue (AKA 2222 N. Harwood Street)

APPLICANT: Jonathan Vinson

REQUESTS:

The following appeals have been made on a site that is currently undeveloped:

1. A variance to the height regulations of 95' is made in conjunction with constructing and maintaining what is described by the applicant as a mixed use project (primarily office but with retail and restaurant components), part of which would exceed the 240' maximum height permitted for structures on properties zoned PD No. 193 (HC Subdistrict); and
2. A special exception to the PD 193 landscape regulations is made in conjunction with the proposed new construction, and not fully complying with the landscaping requirements of PD 193.

STANDARD FOR A VARIANCE:

The Dallas Development Code specifies that the board has the power to grant variances from the front yard, side yard, rear yard, lot width, lot depth, coverage, floor area for structures accessory to single family uses, height, minimum sidewalks, off-street parking or off-street loading, or landscape regulations provided that the variance is:

- (A) not contrary to the public interest when, owing to special conditions, a literal enforcement of this chapter would result in unnecessary hardship, and so that the spirit of the ordinance will be observed and substantial justice done;
- (B) necessary to permit development of a specific parcel of land that differs from other parcels of land by being of such a restrictive area, shape, or slope, that it cannot be developed in a manner commensurate with the development upon other parcels of land with the same zoning; and

(C) not granted to relieve a self created or personal hardship, nor for financial reasons only, nor to permit any person a privilege in developing a parcel of land not permitted by this chapter to other parcels of land with the same zoning.

STANDARD FOR A SPECIAL EXCEPTION TO THE LANDSCAPE REQUIREMENTS IN OAK LAWN:

Section 26(a)(4) of Ordinance No. 21859, which establishes PD 193, specifies that the board may grant a special exception to the landscaping requirements of this section if, in the opinion of the Board, the special exception will not compromise the spirit and intent of this section. When feasible, the Board shall require that the applicant submit and that the property comply with a landscape plan as a condition to granting the special exception.

STAFF RECOMMENDATION (variance):

Denial

Rationale:

- Staff was unable to conclude how the parcel differs from other parcels of land by being of such restrictive area, shape, or slope that it cannot be developed in a manner commensurate with the development upon other parcels of land in districts with the same zoning classification.

STAFF RECOMMENDATION (landscape special exception):

Approval, subject to the following conditions:

1. The owner must submit for approval a landscape plan in compliance with the minimum landscape requirements of PD 193, with the exception of the conditions of Notes 4 and 5 of the submitted May 10, 2013 conceptual landscape plan.
2. Trees to be planted in the designated “Street Tree Zone” must be configured and provided, as closely as practicable, as shown on the submitted conceptual landscape plan, subject to approval of the building official.

Rationale:

- The applicant has substantiated how granting this request would not compromise the spirit and intent of the landscaping requirements of PD 193.
- The City’s Chief Arborist recommends approval of this request whereby, if the conditions noted above are imposed, the special exception would not compromise the spirit and intent of the landscaping requirements of PD 193.

Zoning:

Site: PD No. 193 (HC) (Planned Development)
North: PD No. 334 (Planned Development)
South: PD No. 193 (PDS 50) (Planned Development)

East: PD No. 193 (PDS 68) (Planned Development)
West: PD No. 193 (HC) (Planned Development)

Land Use:

The subject site is currently undeveloped. The areas to the north, east, south, and west are developed with a mix of office, retail, and residential uses.

Zoning/BDA History:

1. BDA 112-009, Property at 2001 McKinney Street (the subject site) On January 18, 2012, the Board of Adjustment Panel B granted a 95-foot variance to the height regulations. The Board imposed the following condition: Compliance with the revised conceptual height limit site plan diagram submitted at the 1-18-12 public hearing and the submitted conceptual height limit elevation is required.
The case report stated that the request was made in conjunction with constructing and maintaining a structure (described by the applicant as a “mixed use project, primarily office but with retail and residential components”), part of which would exceed the 240’ maximum height permitted for structures on properties zoned PD No. 193 (HC Subdistrict) on a site that is currently undeveloped.
On April 17, 2013 the Board of Adjustment Panel B waived the two year limitation on a request for a variance to the height regulations granted (with certain conditions imposed by Board of Adjustment Panel B on January 18, 2012.

Timeline:

- March 29, 2013: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.
- April 16, 2013: The Board of Adjustment Secretary assigned this case to Board of Adjustment Panel B. This assignment was made in order to comply with Section 9 (k) of the Board of Adjustment Working Rule of Procedure that states, “If a subsequent case is filed concerning the same request, that case must be returned to the panel hearing the previously filed case.”

- April 18, 2013: The Board Administrator emailed the applicant the following information:
- an attachment that provided the public hearing date and panel that will consider the application; the May 1st deadline to submit additional evidence for staff to factor into their analysis; and the May 10th deadline to submit additional evidence to be incorporated into the Board's docket materials;
 - the criteria/standard that the board will use in their decision to approve or deny the requests; and
 - the Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.
- May 1, 2013: The applicant submitted additional documentation on this application to staff beyond what was submitted with the original application.
- May 7, 2013: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for May public hearings. Review team members in attendance included: the Sustainable Development and Construction Department Current Planning Division Assistant Director, the Sustainable Development and Construction Department Engineering Division Assistant Director, the Sustainable Development and Construction Department Chief Planner, the Board Administrator, the Building Inspection Senior Plans Examiner/Development Code Specialist, the Chief Arborist, and the Assistant City Attorney to the Board.
- May 10, 2013: The applicant submitted additional information to the Board Administrator to be forwarded to the Board members beyond what was submitted with the original application and beyond what was submitted for the May 7, 2013 staff review team meeting (see Attachment A).
- May 13, 2013: The City of Dallas Chief Arborist submitted a memo that provided his comments regarding the request for a special exception to the landscape regulations (see Attachment B).

GENERAL FACTS/ANALYSIS (height variance):

- This request focuses on constructing and maintaining a 335' high structure (described by the applicant as a "mixed use project, primarily office but with retail and restaurant components"), part of which would exceed the 240' maximum height permitted for structures on properties zoned PD 193 (HC Subdistrict) on a site that is currently undeveloped.
- The maximum height of structures other than single family structures or structures on residential development tracts in PD No. 193 (HC) is 240 feet.

The application and Building Official's report states that a variance is sought for 95' in height.

- The applicant submitted a "Conceptual Height Limit Site Plan Diagram" dated May 1, 2013. This plan noted certain property lines, curb lines, setback lines, and street tree zones. This plan notes a specific area of the site (roughly the eastern "half" of the site located adjacent to McKinney Avenue) with the following: Tower Height Zone (Maximum of 30% of site with 335 feet maximum structure height will be located within this Zone.)"
- The Conceptual Height Limit Site Plan Diagram dated May 1, 2013 made the following notes:
 1. Other than the additional structure height and the setbacks identified on this Conceptual Height Site Plan Diagram, all yard, lot and space regulations will conform to applicable requirements of PD 193 and any other applicable ordinances.
 2. Development of the site will be subject to the height limits and percentages as follows:
 - a. 335 feet height limit not more than 30% of the site
 - b. 220 feet height limit not more than 20% of the site
 - c. 120 feet height limit not less than 50% of the site
 3. Development of the site will be subject to the setbacks as shown on each of the height zones, to offset height and enhance pedestrian environment, and shall be calculated as an average setback along each street frontage, measured from front of curb line to face of permanent structure at grade.
 4. Ten foot landscaping buffer on any side of an above ground parking structure facing a public right-of-way, residential district, residential subdistrict, or residential use, otherwise required pursuant to Sec. 51P-193.126(b)(3)(D), is not required on this site.
 5. Street trees otherwise required to be planted within the "tree planting zone" specified in SEC.51P-193.126(b)(5)(A) may be planted outside of such "tree planting zone" so long as they are planted within the "Street Tree Zones" depicted and specified on this Conceptual Height Limit Site Plan Diagram. All other requirements of Sec. 51-193.126(b)(5) will continue to apply.
- On May, 10, 2013, the applicant submitted a "Conceptual Height Limit Site Plan Diagram" dated May 10, 2013. This plan noted certain property lines, curb lines, setback lines, and street tree zones with what appears to be street trees along Olive Street, McKinney Avenue, N. Harwood Street, and Cedar Springs Road. This May 10th plan notes a specific area of the site (roughly the eastern "half" of the site located adjacent to McKinney Avenue) with the following: Tower Height Zone (Maximum of 30% of site with 335 feet maximum structure height will be located within this Zone.)"
- The Conceptual Height Limit Site Plan Diagram dated May 10, 2013 makes the following additional notes:
 1. Other than the additional structure height and the setbacks identified on this Conceptual Height Site Plan Diagram, all yard, lot and space regulations will conform to applicable requirements of PD 193 and any other applicable ordinances.

2. Development of the site will be subject to the height limits and percentages as follows:
 - 335 feet height limit not more than 30% of the site
 - 220 feet height limit not more than 20% of the site
 - 120 feet height limit not less than 50% of the site
3. Development of the site, as identified on this Conceptual Height Limit Site Plan Diagram, will be subject to the setbacks as shown on each of the height zones, to offset height and enhance pedestrian environment, and shall be calculated as an average setback along each street frontage, measured from front of curb (sic) line to face of permanent structure at grade.
4. Ten foot landscaping buffer on any side of an above ground parking structure facing a public right-of-way, residential district, residential subdistrict, or residential use, otherwise required pursuant to Sec. 51P-193.126(b)(3)(D), is not required on this site.
5. Street trees otherwise required to be planted within the “tree planting zone” specified in SEC.51P-193.126(b)(5)(A) may be planted outside of such “tree planting zone” so long as they are planted within the “Street Tree Zones” depicted and specified on this Conceptual Height Limit Site Plan Diagram. All other requirements of Sec. 51-193.126(b)(5) will continue to apply. The caliper of all street trees shall meet the requirements of PD 193.

Street Tree Calcs:

Olive Street: $325LF / 25 = 13$ trees required

Minimum 13 trees provided (double row)

McKinney Avenue: $207LF / 25 = 9$ trees required

Minimum 9 trees provided (partial double row)

Harwood Street: $224LF / 25 = 9$ trees required

Minimum 9 trees provided

Cedar Springs: $242LF / 25 = 11$ trees required

Minimum 11 trees provided

Minimum number of street trees to be provided are as per the Street Tree Calculations in the table above. Locations and sizes of trees and other features shown in plan view on this Conceptual Landscape Plan are illustrative and conceptual only. Street trees may vary as to specific location, spacing, and size so long as the minimum Street Tree Calculations are met and are otherwise in compliance with any other applicable regulations. Hardscape and other non-landscape features are illustrative and may or may not be provided at all or in the locations shown.

- The applicant has resubmitted a copy of the Board Administrator 1-19-12 stamped-approved “Conceptual Height Limit Elevation Diagram” that was imposed as one of two conditions to the previous height variance granted on this site (BDA 112-009). (The applicant has amended this document only by striking through the date of “August 17, 2011” and adding “May 10, 2013.”)

The “Conceptual Height Limit Elevation Diagram” makes the following note:

- “The potential building envelope depicted is property line to property line. Actual development of the site will be subject to height limits and percentages specified below. Other than actual height, all yard, lot, and space regulations will conform

to applicable requirements of PD 193 and any other applicable ordinances: same notations described above so noted on the “conceptual height limit site plan diagram” along with the following notations:

- 335 feet height limit not more than 30% of the site
- 220 feet height limit not more than 20% of the site
- 120 feet height limit not less than 50% of the site”

–The diagram makes the following graphic representations:

- A line denoting 120’ height limit (3)
 - A line denoting 220’ height limit (2)
 - A line denoting 240’ (as of right)
 - A line denoting 295’ height limit to top of occupied space (roof)
 - A line denoting 335’ required height limit to top of mechanical penthouse and/or architectural feature (1)
- The site is flat, somewhat irregular in shape (approximately 446’ on the north; approximately 377’ on the south, approximately 265’ on the east, and approximately 354’ on the west), and according to the application, 3.0968 acres (or approximately 135,000 square feet) in area. The site is zoned PD No. 193 (HC).
 - DCAD records indicate that there are “no improvements” at 2001 McKinney Avenue.
 - The applicant has the burden of proof in establishing the following:
 - That granting the variance to height regulations will not be contrary to the public interest when, owing to special conditions, a literal enforcement of this chapter would result in unnecessary hardship, and so that the spirit of the ordinance will be observed and substantial justice done.
 - The variance is necessary to permit development of the subject site that differs from other parcels of land by being of such a restrictive area, shape, or slope, that the subject site cannot be developed in a manner commensurate with the development upon other parcels of land in districts with the same PD No. 193 (HC Subdistrict) zoning classification.
 - The variance would not be granted to relieve a self created or personal hardship, nor for financial reasons only, nor to permit any person a privilege in developing this parcel of land (the subject site) not permitted by this chapter to other parcels of land in districts with the same PD No. 193 (HC Subdistrict) zoning classification.
 - If the Board were to grant the height variance request of 95’, subject to the submitted “Conceptual Height Limit Site Plan Diagram” dated May 10, 2013 and the resubmitted “Conceptual Height Limit Elevation Diagram” dated May 10, 2013, the structure would be allowed to reach 335’ in height as shown on these submitted conceptual documents.

GENERAL FACTS/STAFF ANALYSIS (landscape special exception):

- This request focuses on proposed new construction on the site, and not fully complying with the landscaping requirements of PD 193.
- PD 193 states that the landscape, streetscape, screening, and fencing standards shall become applicable to uses (other than to single family and duplex uses in detached structures) on an individual lot when work is performed on the lot that

increases the existing building height, floor area ratio, or nonpermeable coverage of the lot unless the work is to restore a building that has been damaged or destroyed by fire, explosion, flood, tornado, riot, act of the public enemy, or accident of any kind.

- The applicant submitted a Conceptual Landscape Plan dated May 10, 2013. This plan makes the following notes that appear to be identical notes made on the applicant's "Conceptual Height Limit Site Plan Diagram" dated May 10, 2013:
 1. Other than the additional structure height and the setbacks identified on this Conceptual Height Site Plan Diagram, all yard, lot and space regulations will conform to applicable requirements of PD 193 and any other applicable ordinances.
 2. Development of the site will be subject to the height limits and percentages as follows:
 - 335 feet height limit not more than 30% of the site
 - 220 feet height limit not more than 20% of the site
 - 120 feet height limit not less than 50% of the site
 3. Development of the site, as identified on this Conceptual Height Limit Site Plan Diagram, will be subject to the setbacks as shown on each of the height zones, to offset height and enhance pedestrian environment, and shall be calculated as an average setback along each street frontage, measured from front of curb (sic) line to face of permanent structure at grade.
 4. Ten foot landscaping buffer on any side of an above ground parking structure facing a public right-of-way, residential district, residential subdistrict, or residential use, otherwise required pursuant to Sec. 51P-193.126(b)(3)(D), is not required on this site.
 5. Street trees otherwise required to be planted within the "tree planting zone" specified in SEC.51P-193.126(b)(5)(A) may be planted outside of such "tree planting zone" so long as they are planted within the "Street Tree Zones" depicted and specified on this Conceptual Height Limit Site Plan Diagram. All other requirements of Sec. 51-193.126(b)(5) will continue to apply. The caliper of all street trees shall meet the requirements of PD 193.

Street Tree Calcs:

Olive Street: $325\text{LF} / 25 = 13$ trees required

Minimum 13 trees provided (double row)

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Cedar Springs: $242\text{LF} / 25 = 11$ trees required

Minimum 11 trees provided

Minimum number of street trees to be provided are as per the Street Tree Calculations in the table above. Locations and sizes of trees and other features shown in plan view on this Conceptual Landscape Plan are illustrative and conceptual only. Street trees may vary as to specific location, spacing, and size so long as the minimum Street Tree Calculations are met and are otherwise in compliance with any other applicable regulations. Hardscape and other non-

landscape features are illustrative and may or may not be provided at all or in the locations shown.

- On May 10, 2013, the City of Dallas Chief Arborist submitted a memo to the Board Administrator regarding the landscape special exception request (see Attachment B).
- The Chief Arborist's memo stated among other things how the request is triggered by construction of a vacant property, and how the applicant seeks exception from the mandatory requirements for trees and for garage screening and landscaping of PD 193 landscaping requirements.
- The Chief Arborist states that the proposed conceptual landscape plan (not to scale) identifies two confirmed deficiencies:
 1. Trees (for tree planting zone requirements); and
 2. Garage screening and landscaping. (Staff believes the 8' wide sidewalk would be within, and exceed, the required 5' – 12' zone back of curb).
- The Chief Arborists listed several factors for consideration:
 1. The "conceptual landscape plan" that is provided does not meet the minimum standards for submittal of a building permit. The final complement and placement of landscaping materials and hardscape on the plan is subject to possible site design changes. The chief arborist has produced comments based only on the illustrations and narrative of the given conceptual plan, but has not concluded for the board if a complete landscape plan is feasible at this time.
 2. The HC district had the following requirements: 3.5" caliper trees with a density of 1 tree per 25 feet of frontage within a tree planting zoned between 2.5 and 5 feet from back of curb; a minimum of 6' wide sidewalks placed from 5 to 12 feet from back of curb; and off-street parking and screening requirements that include garage screening and landscaping.
 3. Designated landscape areas (landscape site area, general planting area, special planting area) are not required for the HC district.
 4. For Olive Street and a portion of McKinney Avenue, the applicant proposes to designate 20-foot wide tree planting zones along two rows, in a staggered formation on both sides of the street sidewalk. The zone would hold at least the required number of trees.
 5. The applicant proposes a minimum 8' sidewalk along the entire perimeter with much of the sidewalk on private property. A sidewalk easement will be required.
 6. The garage frontage for the property is identified only on Harwood, and about 25-30 percent of that frontage (excluding the entries) would require a landscape buffer by ordinance. A narrow planting strip is identified between the structure and the sidewalk for that distance. No plant selections are identified for the planting strip. There is no off-street surface parking identified on the conceptual landscape plan.
 7. The submitted conceptual plan is intended as an illustration of the general landscape design concept for the property to adjust to the given building profile. The illustrations of hardscape and landscapes, other than required sidewalks, tree planting zones and the garage landscaping, do not describe requirements of PD 193 (HC). If the Board approves their proposal, the requirements of PD 193 (HC) will apply to the property with the stated exceptions in Notes 4 and 5.

8. The given landscape plan is not drawn to scale and does not otherwise meet the minimum requirements for a landscape plan for building permit. If the conditions of this plan are approved, a compliant landscape plan, subject to the decision of the Board, must be submitted for approval by the building official.
 9. The plan states “street trees may vary as to specific location, spacing, and size so long as the minimum Street Tree Calculations are met and are otherwise in compliance with any other applicable regulations.” In addressing the matter of tree size, staff recognizes the plan also states “the caliper of all street trees shall meet the requirements of PD 193.”
- The Chief Arborist recommends approval of the submitted conceptual landscape plan because, in his opinion, the proposed plan does not compromise the spirit and intent of the PD 193 ordinance. The following conditions are recommended:
 1. The owner must submit for approval a landscape plan for permit, in compliance with the minimum landscape requirements of PD 193, with the exception of the conditions of Notes 4 and 5 of the May 10, 2013 conceptual landscape plan.
 2. Trees to be planted in the designated “Street Tree Zone” of the conceptual landscape plan must be configured in the zone on the final approved plan to emulation, as closely as is practicable, the illustration of the approved conceptual landscape plan, subject to approval of the building official.
 - The applicant has the burden of proof in establishing the following:
 - The special exception (where the proposed not-to-scale conceptual landscape plan that identifies two confirmed deficiencies related to trees for tree planting zone requirements; and garage screening and landscaping of PD 193 landscaping requirements) will not compromise the spirit and intent of the section of the ordinance (Section 26: Landscape, streetscape, screening, and fencing standards).
 - If the Board were to grant this request, imposing the City Arborist’s suggested conditions noted above, the site would be provided exception to the two confirmed deficiencies identified on the applicant’s not-to-scale conceptual landscape plan related to trees for tree planting zone requirements and garage screening and landscaping of the Oak Lawn PD 193 landscape ordinance.



1:2,400

AERIAL MAP

Case no: BDA123-052

Date: 5/1/2013



Jonathan G. Vinson
(214) 953-5941 (Direct Dial)
(214) 661-6809 (Direct Fax)
jvinson@jw.com

May 10, 2013

Hon. Chair and Members,
Board of Adjustment, Panel B
c/o Mr. Steve Long, Board Administrator,
Department of Sustainable Development and Construction
City of Dallas
1500 Marilla Street, Room 5BN
Dallas, Texas 75201

Re: BDA 123-052; 2001 McKinney Avenue

Dear Members of Panel B:

I. Introduction. We represent the developer of this site, Crescent Real Estate Equities Limited Partnership (“Crescent”) in this request to modify the previously-approved Site Plan (approved on January 18, 2012, under BDA 112-009, as part of the approval of a variance of 95 feet to the applicable height regulations to a maximum height of 335 feet, limited to only 30 percent of the site). We also are requesting a special exception to the applicable landscape regulations under P.D. 193. We are sending you this letter to explain our requests, and to explain and demonstrate how we meet the required standards for approval.

II. The Site. The site is bounded by McKinney Avenue, Olive Street, Cedar Springs Road, and Harwood Street, and is currently vacant land. The proposed project, as you will probably recall, will be a mixed-use project, primarily office but with retail and restaurant components. The project would join the Crescent Ritz-Carlton block across Olive Street to create a Class A anchor and gateway for the southern end of Uptown. The current zoning on the site is P.D. 193 with an HC Subdistrict, and the site comprises 3.09 acres.

You previously granted us a height variance of 95 feet, subject to a Conceptual Height Limit Site Plan Diagram (the “Conceptual Site Plan”, **Attachment 1**) and Conceptual Height Limit Elevation Diagram (the “Conceptual Elevation”, **Attachment 2**), on January 18, 2012, with that approval later being extended in June 20, 2012, for an additional 12 months. On April 24, 2013, the Applicant applied to Building Inspection for a Grading Permit, which acted to effect the approval granted by the 2012 variance, including the Conceptual Site Plan and the Conceptual Height Limit Elevation Diagram as conditions.

The purpose of the current request, is simply to add Note 3 to the Conceptual Site Plan (see proposed modified Conceptual Site Plan with new items highlighted, **Attachment 3**) to provide for averaging of the volunteered setbacks at grade (*that is, a calculation will be done for each street frontage to show that the varying distance between the building façade and the property line at grade will, when averaged, equal the amount of volunteered setback*), as

previously understood by and agreed to by our neighbors and as originally intended, and to request a landscape special exception on two items (Conceptual Landscape Plan attached as *Attachment 4*).

III. Variance Request. The granting of a variance request requires a finding by the Board of Adjustment that property hardship conditions exist. In this instance, there are multiple hardship factors which constrain development on this site, and you determined in your previous approval that various hardship factors are present. These include:

- (1) The clearly irregular shape of the lot itself;
- (2) Fifteen feet of slope from east to west, which presents an architectural and engineering challenge;
- (3) Each side of the site is a blockface facing a public street. Although the HC Subdistrict does not require front yard setbacks, an urban project of this quality must still respond to the street and to the public realm, and Crescent already agreed to provide setbacks by agreement with the neighbors. This further constrains the site, even if not strictly required by applicable zoning;
- (4) Two sides of the block are bounded by one-way streets, the high volume and high-speed traffic upon which create additional property hardships;
- (5) Another important property condition is the fact that this site is surrounded by existing high-rise development of varying heights, many of which exceed the original 240 foot restriction under the base zoning. From an architectural standpoint, as well as to obtain some views from the development, the additional height granted was necessary to respond to that surrounding high-rise development; and
- (6) Conversely, the surrounding high-rise development is also a property condition affecting our site in that Crescent has designed the project to *preserve* views for surrounding residents and owners as much as possible, by building a taller, thinner tower on the site, while allowing for more open space and amenities at ground level, including the setbacks.

All of the foregoing are site characteristics which create clear property hardship conditions.

Further, the requested variance is necessary to allow development commensurate with other developments in the area. Appended to this letter is a table describing allowed maximum structure heights for various other developments in the immediate area, and a map showing ranges of heights by location, as of the date of the original request (*Attachment 5*). We have also attached an aerial perspective photo and a series of site photos (from the previous case, although still applicable, *Attachment 6*). This proposed development is clearly commensurate with other developments in Uptown, with almost all of the ones identified on the attachment being in, or originally having been in, P.D. 193, the same zoning classification.

In addition, Crescent has already voluntarily restricted the height variance area, that is, the additional 95 feet of structure height, *to no more than 30 percent of the site*, pursuant to the Site Plan approved as part of BDA 112-009. An additional 20 percent of the site will be restricted to no more than 220 feet in height, 20 feet less than allowed now by right, with the remaining 50 percent or more of the site being restricted to a mere 120 feet in height; and we are also still conditioned to, and wish to continue to be conditioned to, the Conceptual Elevation. *None of that will be changed at all by this request*, which further makes the proposed development commensurate with others in this portion of P.D. 193.

Further, this project clearly meets that portion of the variance standard which requires a finding that a request not be “contrary to the public interest”. This project is a huge positive for Uptown and for the City of Dallas. We also have the enthusiastic support of the Oak Lawn Committee for our current requests (see April 2, 2013, letter, *Attachment 7*), and we are meeting with our neighbors to ask for their continued support. You may recall that there was virtually unanimous support for the previous request (see *Attachment 8*), but we are updating our neighbors and continue to enjoy broad support (see recent letters, *Attachment 9*).

IV. Landscape Special Exception Requests. Sec. 51P-193.126(a)(4) of P.D. 193 says that “...*The board may grant a special exception to the landscaping requirements of this section if, in the opinion of the board, the special exception will not compromise the spirit and intent of this Section*”. We are asking for a special exception from two of the requirements of that Section, one as to location of street trees and one as to the garage landscape buffer, both intended to facilitate the landscape program for the site planned by the Office of James Burnett, who also designed the nearby Klyde Warren Park. The special exception on these two points is indicated by the “Street Tree Zones” and Notes 4 and 5 on the submitted proposed modified Conceptual Site Plan, as well as our submitted Conceptual Landscape Plan (see *Attachment 4*). We will comply with the P.D. 193 landscape requirements in all other respects.

The garage buffer, if provided pursuant to Sec. 51P-193.126(b)(3)(D), would only apply to a limited portion of the site facing Harwood Street, facing away from most of the residential neighbors (note the “Limit of Harwood Garage Frontage” highlighted on the Conceptual Landscape Plan). The property across Harwood Street is built with its loading dock area facing this portion of our site. The special exception to this requirement is necessitated by the building design, which will provide for a very generous portion of the site, about 30 percent, on the Olive Street side as publicly-accessible open space with heavy landscaping, thus “shifting” the building a few feet towards Harwood. Total open space on the site is about 51,000 square feet, over an acre, about 38 percent of the total site. The required street trees will also be provided on Harwood, further softening and screening the building on that side.

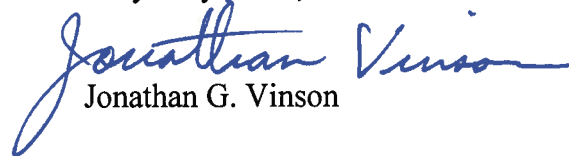
The other element of this request is to be able to stagger the required street trees on Olive and on McKinney on both sides of the sidewalks, instead of having to plant them all between the sidewalk and the street as required under Sec. 51P-193.126(b)(5)(A). All of the required trees will be planted, but in a staggered configuration leading to a more pleasing design and better shade for pedestrians on the sidewalks. This will also provide better view corridors on the Olive Street side towards the open space and the retail and restaurant uses. We are also providing

larger than required planting zones (5 feet vs. 2.5 feet) and sidewalks (8 feet vs. 6 feet), further enhancing the site, and this request facilitates our plan to do so.

As stated, at the request of Chief Arborist Phil Erwin, we are submitting a Conceptual Landscape Plan, which illustrates for you the very generous and attractive landscape program for the site. The requests do not in any way compromise the spirit and intent of the P.D. 193 Ordinance, and are intended to allow for a much superior design and a far better pedestrian experience, thereby actually supporting the spirit and intent of the Ordinance. The Oak Lawn Committee supports the requests.

V. Conclusion. In summary, this project not only demonstrably meets the standards required for the variance and special exception requests, it strongly supports the public interest. In fact, this will activate this key site in Uptown, and add tremendously to architectural interest as well as to the street level environment in Uptown. The setback averaging and our landscaping program are vital parts of supporting this architectural and visual excellence and outstanding pedestrian experience. We look forward to appearing at your public hearing on May 22 to respectfully ask that you approve these requests. Thank you very much.

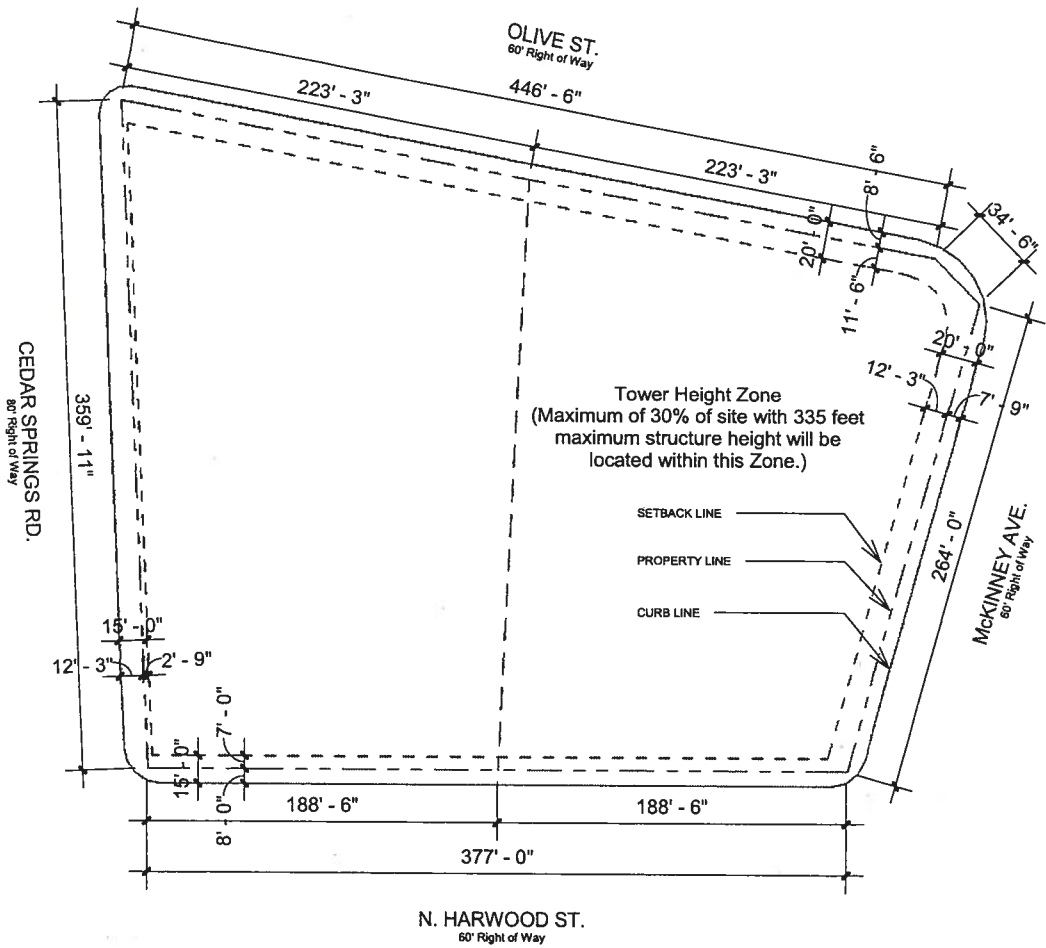
Very truly yours,



Jonathan G. Vinson

cc: Joseph Pitchford
Kevin Crum
Kyle Fiddelke
Susan Mead

Submitted by applicant at
the 1-18-12 public hearing
see



BDA 112-009

PLANS APPROVED
SUBJECT TO
BOARD ACTION

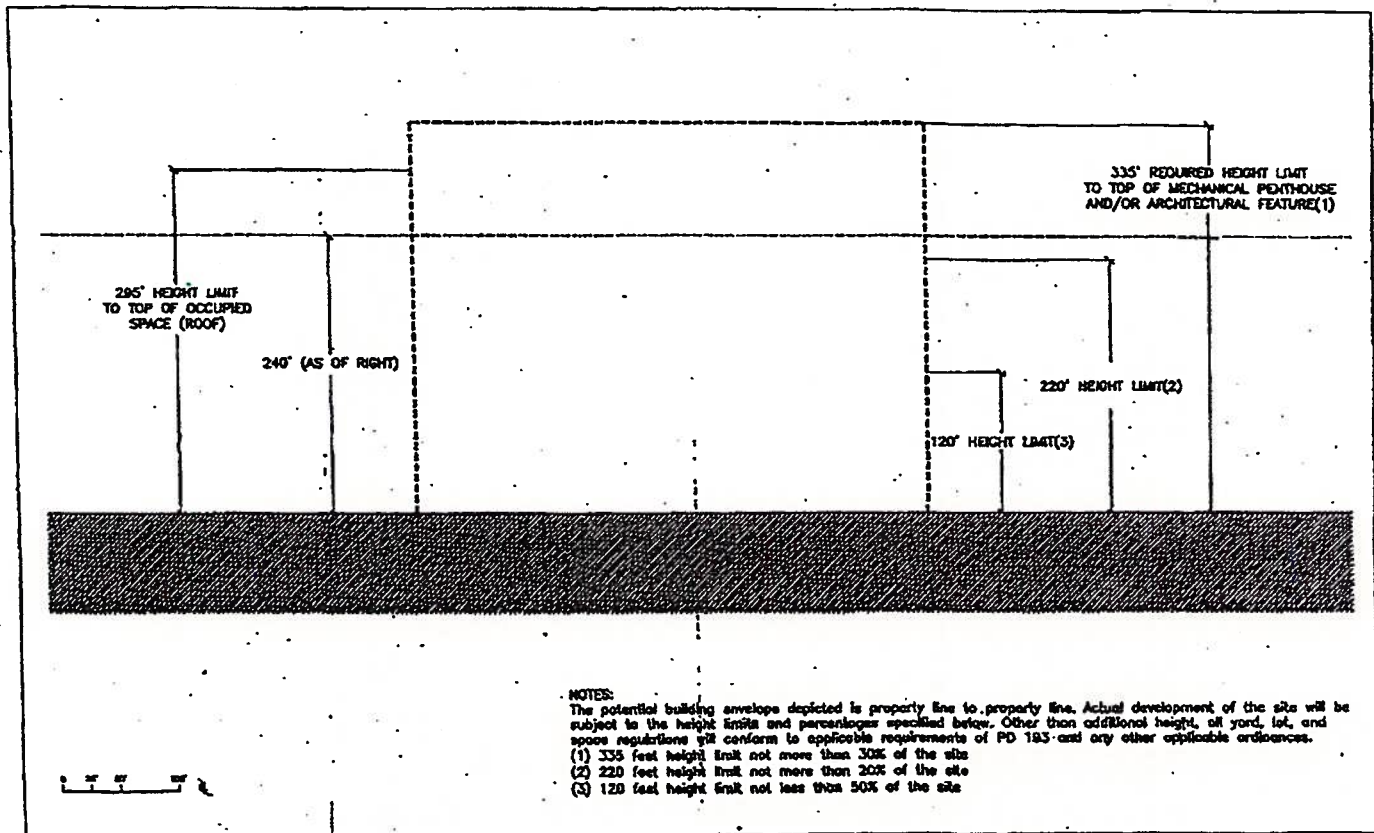
1-19-12
DATE

St. Hong
ADMINISTRATOR

- NOTES:
- Other than additional height, all yard, lot and space regulations will conform to applicable requirements of PD 193 and any other applicable ordinances.
 - Development of the site will be subject to the height limits and percentages specified below:
 - 335 feet height limit not more than 30% of the site.
 - 220 feet height limit not more than 20% of the site.
 - 120 feet height limit not less than 50% of the site.
 - Development of the site will be subject to the setbacks as shown on each of the height zones to offset height and enhance pedestrian environment.

Attachment 1

0 25' 50' 100'



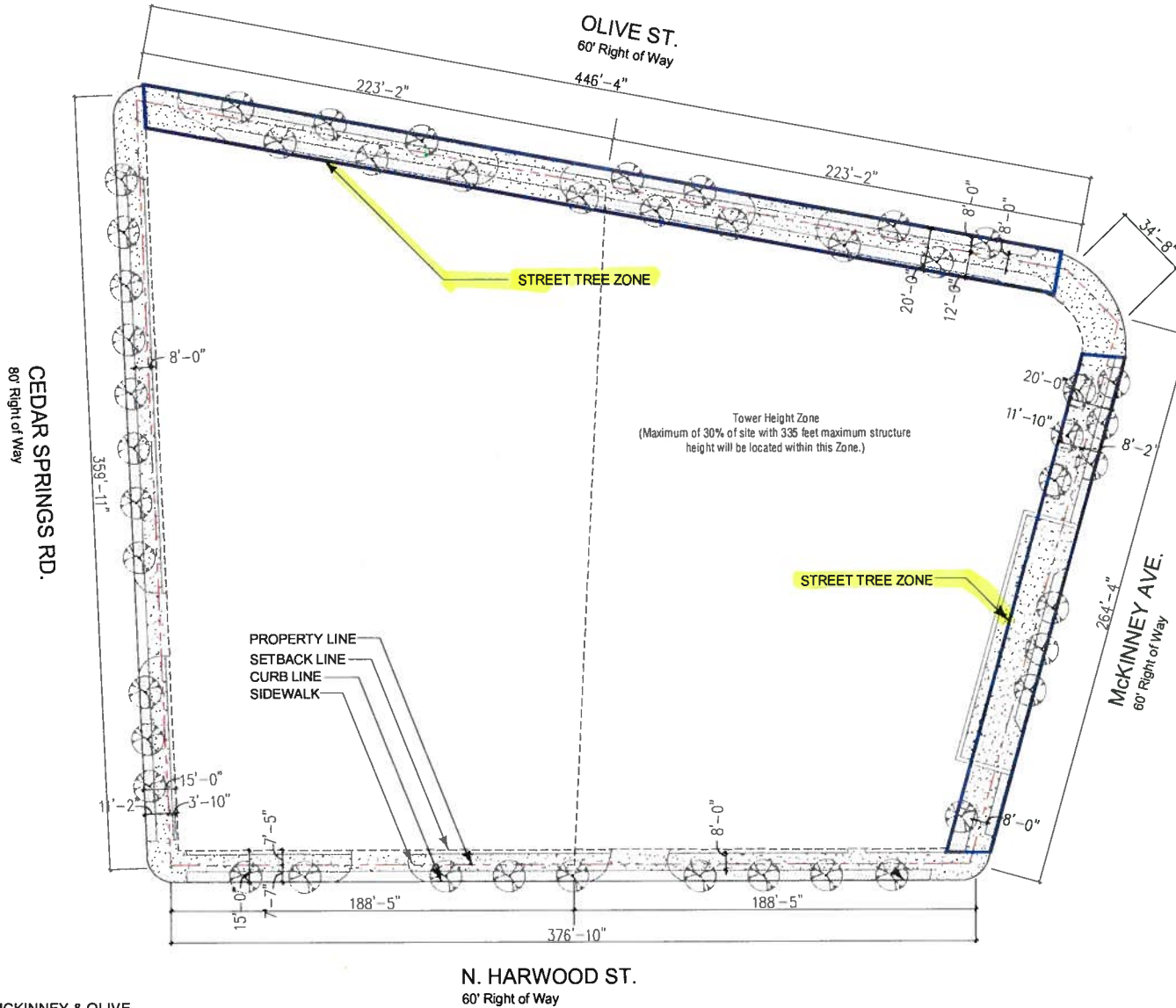
MCKINNEY & OLIVE
 CRESCENT

CONCEPTUAL HEIGHT LIMIT ELEVATION DIAGRAM

DESIGNED BY
 MAY 10, 2013

PLANNING DEPARTMENT
 PLANS APPROVED
 DIRECTOR
 [Signature]
 HKS

BDA 123-052
 Attach A
 Pg 6



NOTES:

1. Other than the additional structure height and the setbacks identified on this Conceptual Height Limit Site Plan Diagram, all yard, lot and space regulations will conform to applicable requirements of PD 193 and any other applicable ordinances.

2. Development of the site, as identified on this Conceptual Height Limit Site Plan Diagram, will be subject to the height limits and percentages specified below:
 -335 feet height limit not more than 30% of the site.
 -220 feet height limit not more than 20% of the site.
 -120 feet height limit not more than 50% of the site.

3. Development of the site, as identified on this Conceptual Height Limit Site Plan Diagram, will be subject to the setbacks as shown on each of the height zones. To offset height and enhance pedestrian environment, and shall be calculated as an average setback along each street frontage, measured from front of curb line to face of permanent structure at grade.

4. Ten foot landscaping buffer on any side of an above ground parking structure facing a public right-of-way, residential district, residential subdistrict, or residential use, otherwise required pursuant to Sec. 51P-193.126(b)(3)(D), is not required on this site.

5. Street trees otherwise required to be planted within the "tree planting zone" specified in SEC. 51P-193.126(b)(5)(A) may be planted outside of such "tree planting zone" so long as they are planted within the "Street Tree Zones" depicted and specified on this Conceptual Height Limit Site Plan Diagram. All other requirements of Sec. 51P-193.126(b)(5) will continue to apply. The caliper of all street trees shall meet the requirements of PD193.
STREET TREE CALCS:

Olive Street
 325LF / 25 = 13 Trees Required
 Minimum 13 Trees Provided (Double Row)

McKinney Avenue
 207LF / 25 = 9 Trees Required
 Minimum 9 Trees Provided (Partial Double Row)

Harwood Street
 224LF / 25 = 9 Trees Required
 Minimum 9 Trees Provided

Cedar Springs
 242LF / 25 = 11 Trees Required
 Minimum 11 Trees Provided

Minimum numbers of street trees to be provided are as per the Street Tree Calculations in the table above. Locations and sizes of trees and other features shown in plan view on this Conceptual Landscape Plan are illustrative and conceptual only. Street trees may vary as to specific location, spacing, and size so long as the minimum Street Tree Calculations are met and are otherwise in compliance with any other applicable regulations. Hardscape and other non-landscape features shown are illustrative and may or may not be provided at all or in the locations shown.



NOTES:

1. Other than the additional structure height and the setbacks identified on the Conceptual Height Limit Site Plan Diagram, all yard, lot and space regulations will conform to applicable requirements of PD 193 and any other applicable ordinances.
2. Development of the site, as identified on the Conceptual Height Limit Site Plan Diagram, will be subject to the requirements below:
 -335 feet height limit not more than 30% of the site.
 -220 feet height limit not more than 20% of the site.
 -120 feet height limit not more than 50% of the site.
3. Development of the site, as identified on the Conceptual Height Limit Site Plan Diagram, will be subject to the setbacks as shown on each of the height zones, to offset height and enhance pedestrian environment, and shall be calculated as an average setback along each street frontage, measured from front of curb line to face of permanent structure at grade.
4. Ten foot landscaping buffer on any side of an above ground parking structure facing a public right-of-way, residential district, residential sub-district, or residential use, otherwise required pursuant to Sec. 51P-193.126(b)(3)(D), is not required on this site.
5. Street trees otherwise required to be planted within the "tree planting zone" specified in SEC. 51P-193.126(b)(5)(A) may be planted outside of such "tree planting zone" so long as they are planted within the "Street Tree Zones" depicted and specified on this Conceptual Height Limit Site Plan Diagram. All other requirements of Sec.51P-193.126(b)(5) will continue to apply. The caliper of all street trees shall meet the requirements of PD193.
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Minimum numbers of street trees to be provided are as per the Street Tree Calculations in the table above. Locations and sizes of trees and other features shown in plan view on this Conceptual Landscape Plan are illustrative and conceptual only. Street trees may vary as to specific location, spacing, and size so long as the minimum Street Tree Calculations are met and are otherwise in compliance with any other applicable regulations. Hardscape and other non-landscape features shown are illustrative and may or may not be provided at all or in the locations shown.

**EXAMPLES OF UPTOWN HEIGHT LIMITS
EXCEEDING 240 FEET**

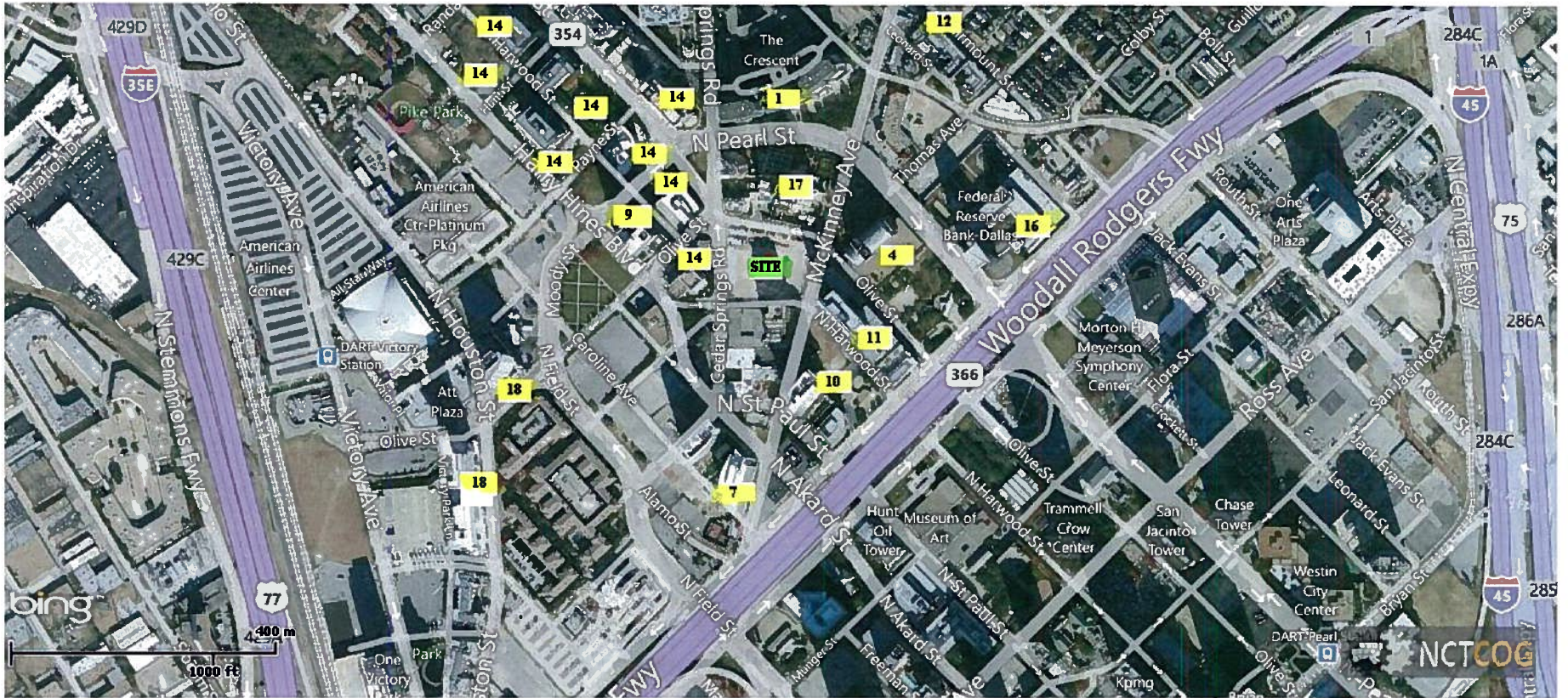
Variances:

- 1. **2304 Cedar Springs Avenue (The Crescent):** (BDA 81-239/5560) *In P.D. 193/HC.* Greater of 285 feet or 755 feet above Mean Sea Level (depends on base elevation per topographic survey) (45 foot height variance).
- 2. **2711 N. Haskell Avenue (Cityplace Tower):** (BDA 93-064) Additional height variance over the already permitted 546 feet.
- 3. **2920 Turtle Creek Plaza:** (BDA-967-251) Maximum of 300 feet (60 foot height variance).
- 4. **2100 McKinney Avenue:** (BDA 967-292) *In P.D. 193/HC.* Maximum of 280 feet (40 foot height variance).
- 5. **2910 Bookhout Street (Stoneleigh Condominiums):** (BDA 045-211) *In P.D. 193/LC.* Maximum of 308 feet (68 foot height variance, granted May 16, 2005).
- 6. **3700 McKinney Avenue:** (BDA 056-013) Maximum of 265 feet (25 foot height variance, granted October 19, 2005); (BDA 101-107) Maximum of 260 feet (20 foot height variance, granted November 16, 2011).

P.D.s/P.D. Subdistricts in P.D. 193:

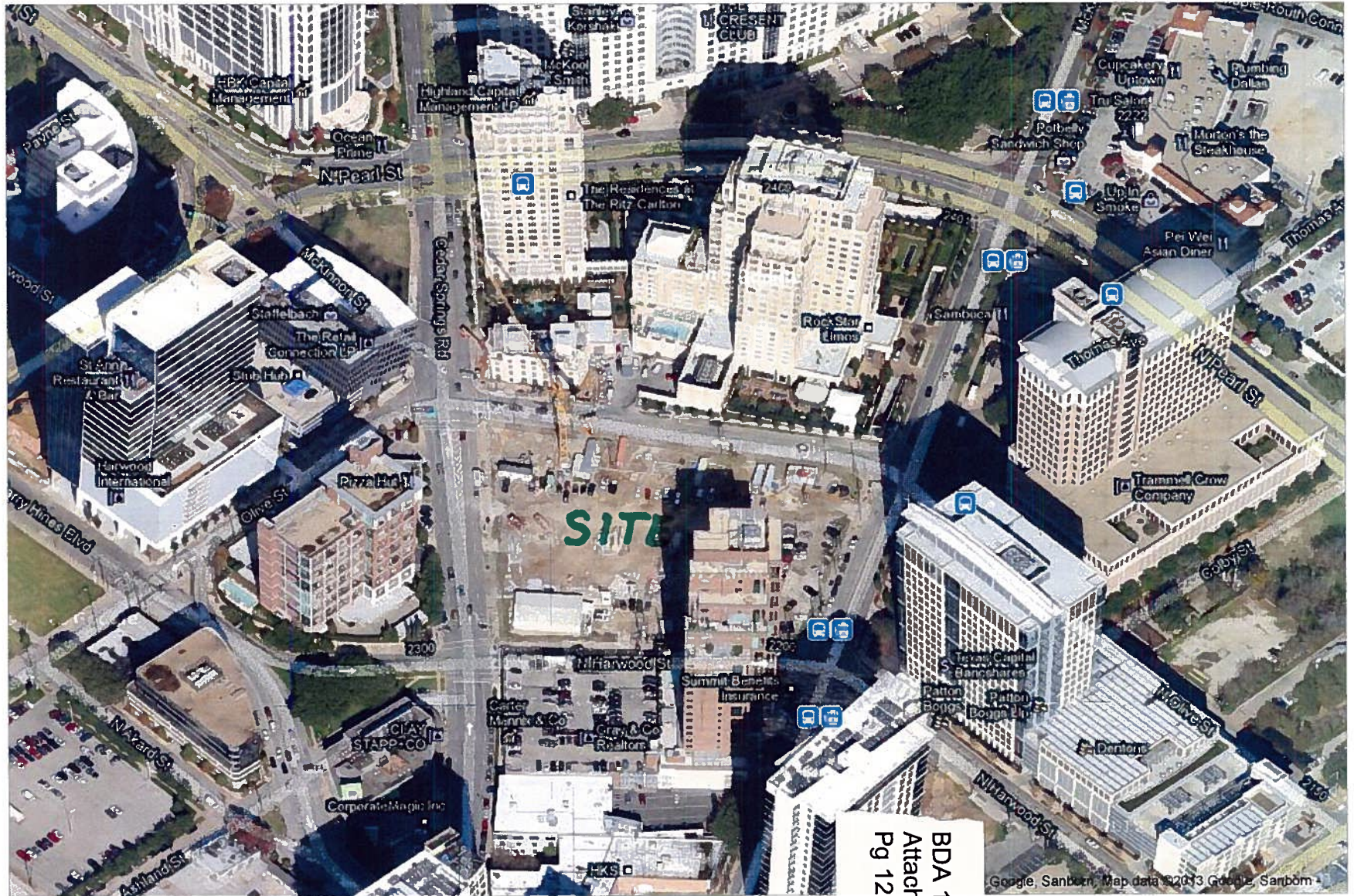
- 7. **Park17 Apartments (P.D.S. 24):** Maximum structure height of “any legal height” (subject to FAA approval) because stipulates P.D. 193/I-2 “yard, lot and space” regulations.
- 8. **2919 Pearl Street/Harwood Phase VI (P.D.S. 52):** Approved May 12, 2004. Maximum structure height of 350 feet plus additional 25 feet for mechanical penthouse, etc. (total 375 feet).
- 9. **2501 Harwood Street (St. Ann Court) (P.D.S. 53):** Approved May 12, 2004. Maximum structure height of 325 feet, plus an additional 25 feet allowed for elevator penthouses, mechanical equipment, and other such items.
- 10. **1900 McKinney Avenue/Hanover (P.D.S. 66):** Approved January 11, 2006. Maximum structure height of 310 feet (tower portion).
- 11. **2000 McKinney Avenue/Lincoln (P.D.S. 68):** Approved May 24, 2006. Maximum structure height of 295 feet (Subarea E, with architectural feature).

12. **2500 McKinney Avenue (P.D.S. 73):** Approved June 28, 2006. Maximum structure height of 285 feet.
13. **2101 Cedar Springs Road/Rosewood Court (P.D.S. 74):** Approved August 9, 2006. Maximum structure height 276 feet (Subareas A1, B1).
14. **Harwood Special Purpose District (P.D.S. 79):** Approved June 13, 2007. Maximum height varies according to Subareas (each Subarea allows an additional 25 feet for chimneys, mechanicals, etc. – therefore, where the allowable height is shown as a specific number of feet, actual maximum structure height for all features would be an additional 25 feet):
 - Subarea A: 365 feet (plus 25 feet, total = 390 feet)
 - Subarea B: 280 feet (plus 25 feet, total = 305 feet)
 - Subarea C: 240 feet (plus 25 feet, total = 265 feet)
 - Subarea D: 240 feet (plus 25 feet, total = 265 feet)
 - Subarea E: 325 feet (plus 25 feet, total = 350 feet)
 - Subarea F: Any legal height (per FAA limits)
 - Subarea G: 225 feet (plus 25 feet, total = 250 feet)
 - Subarea H: With office, 240 feet; without office, 350 feet (plus 25 feet, total = 375 feet)
 - Subarea I: Any legal height (per FAA limits)
 - Subarea J: Any legal height (per FAA limits)
 - Subarea K: Any legal height (per FAA limits)
15. **2728 Cedar Springs Road (P.D. 184):** Maximum of 299 feet (Area 1), as amended May 28, 2008.
16. **Federal Reserve Bank (P.D. 330):** Maximum of the greater of 20 stories or 755 feet above Mean Sea Level (depends on base elevation per topographic survey), plus an additional 80 foot spire and allowance for elevator penthouses, etc., as shown on the Development Plan.
17. **Ritz-Carlton (P.D. 334):** Maximum of 285 feet (Phase 2) plus additional 25 feet for additional features, elevator penthouses, etc., additional 40 feet for lightning protection devices (total 325 feet).
18. **Victory S.P.D. (P.D. 582):** “Any legal height” (governed by Federal Aviation Administration regulations), except 270 feet maximum adjacent to Magnolia Station development. The W Hotel consists of approximately 32 stories plus penthouse, etc. The Cirque consists of approximately 27 stories plus penthouse, etc. The One Victory Park building consists of approximately 28 stories plus penthouse, etc.





To see all the details that are visible on the screen, use the "Print" link next to the map.

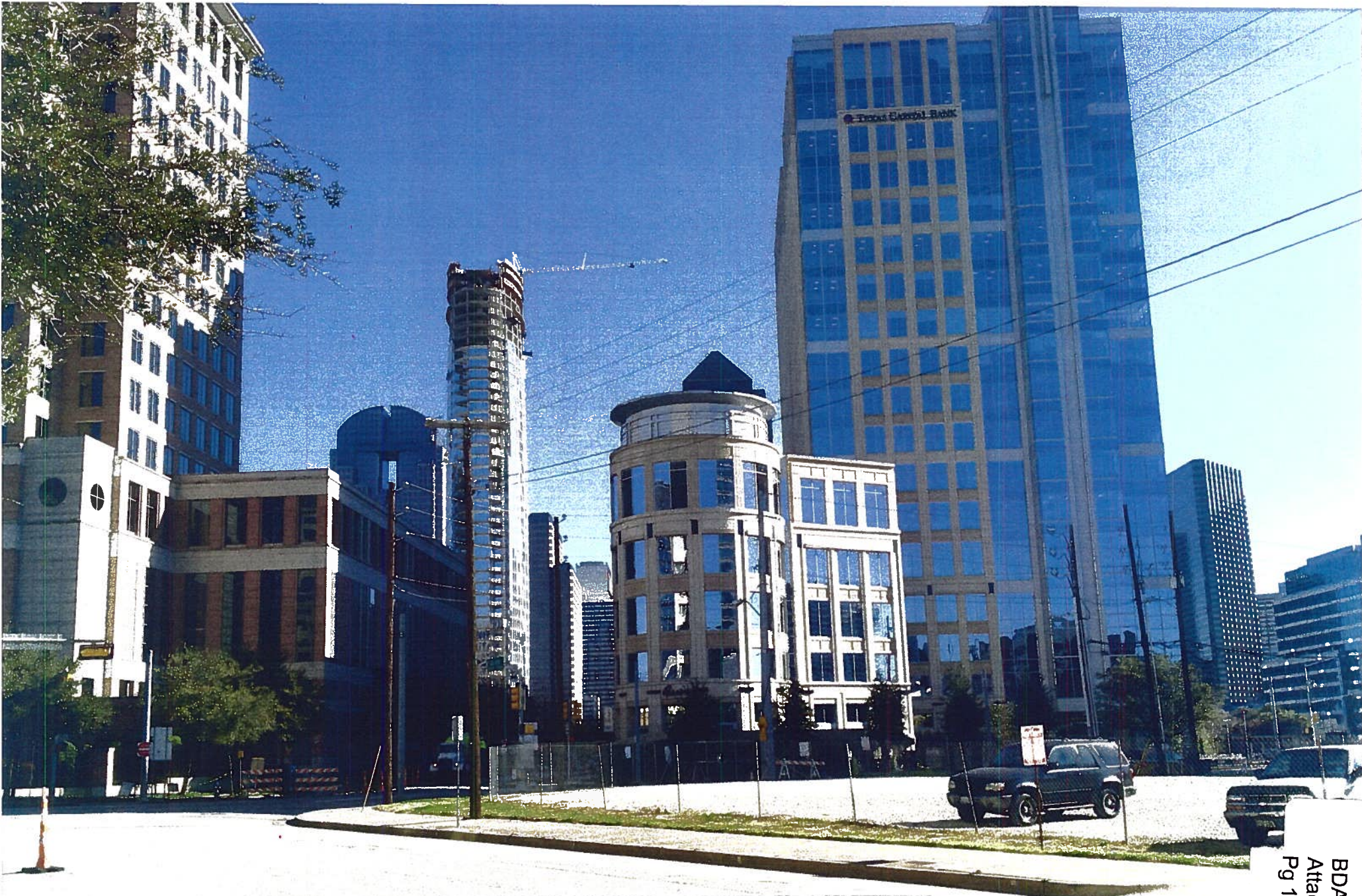


Attachment 6

BDA 123-052
Attach A
Pg 12



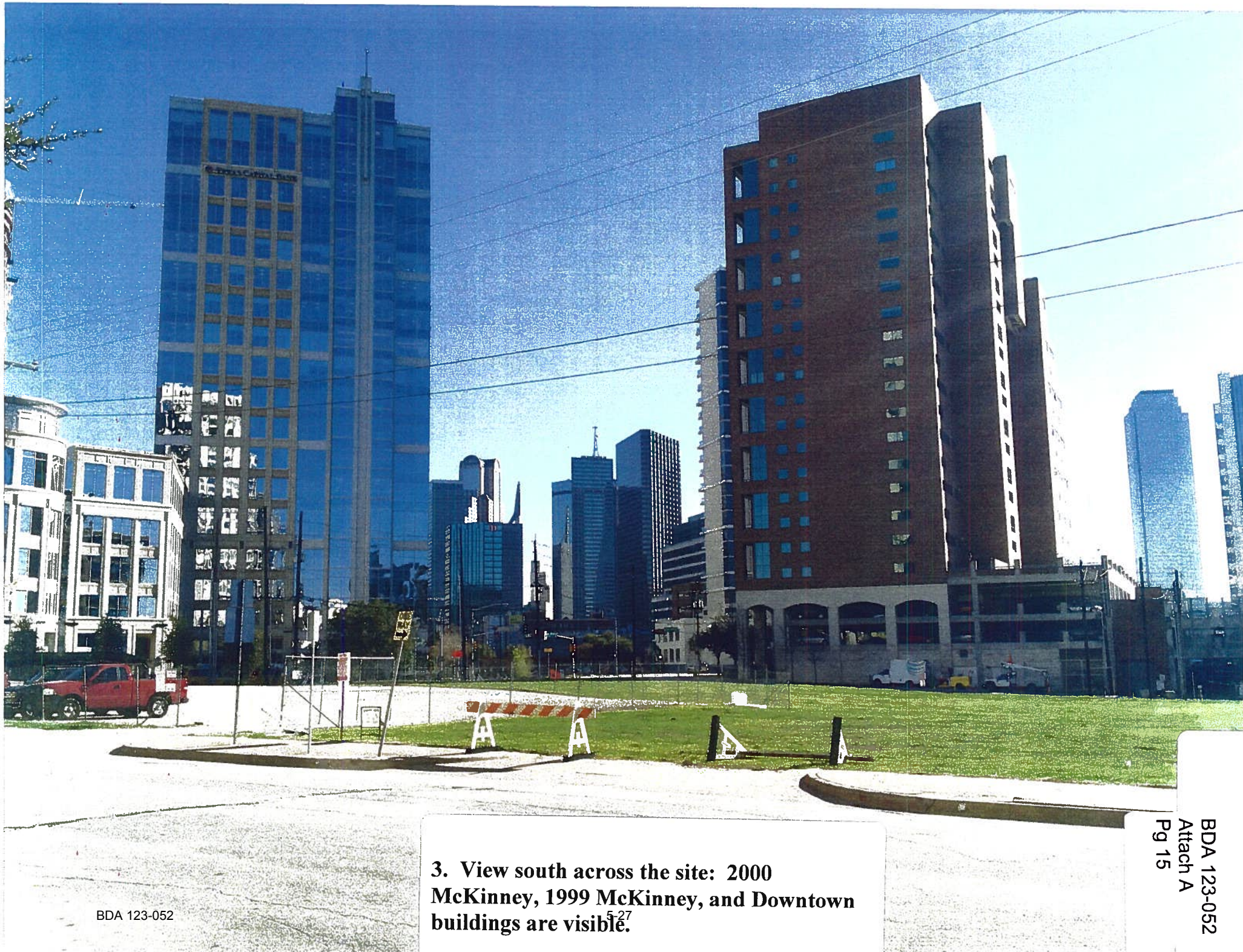
1. View Southeast across the site: left to right, 2100 McKinney, 2000 McKinney, and 1999 McKinney (Trammell Crow Center in background).



BDA 123-052

2. View south from Olive Street: 2100
McKinney on left, 2000 McKinney on right,
Museum Tower in center.
5-26

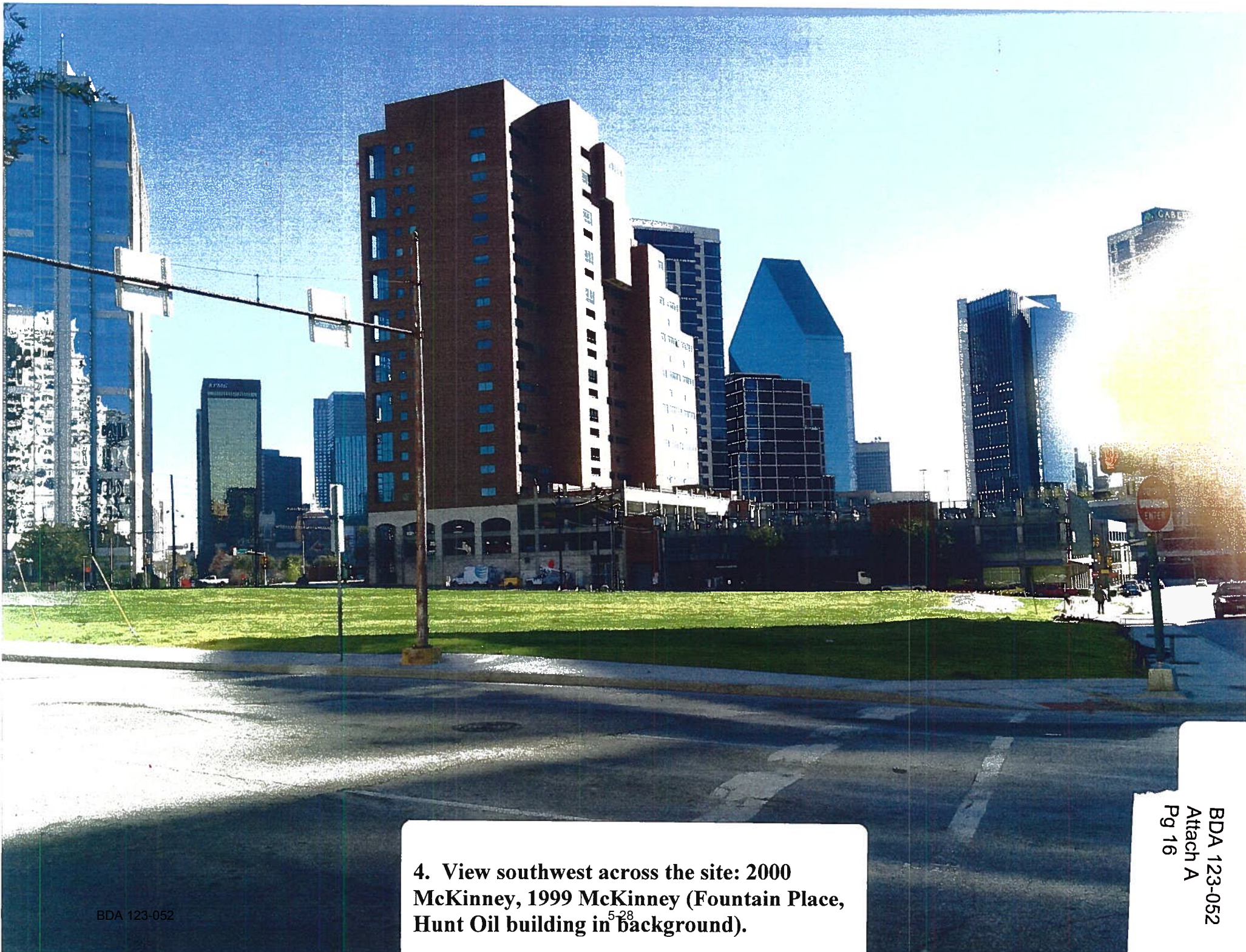
BDA 123-052
Attach A
Pg 14



BDA 123-052

3. View south across the site: 2000 McKinney, 1999 McKinney, and Downtown buildings are visible.⁵⁻²⁷

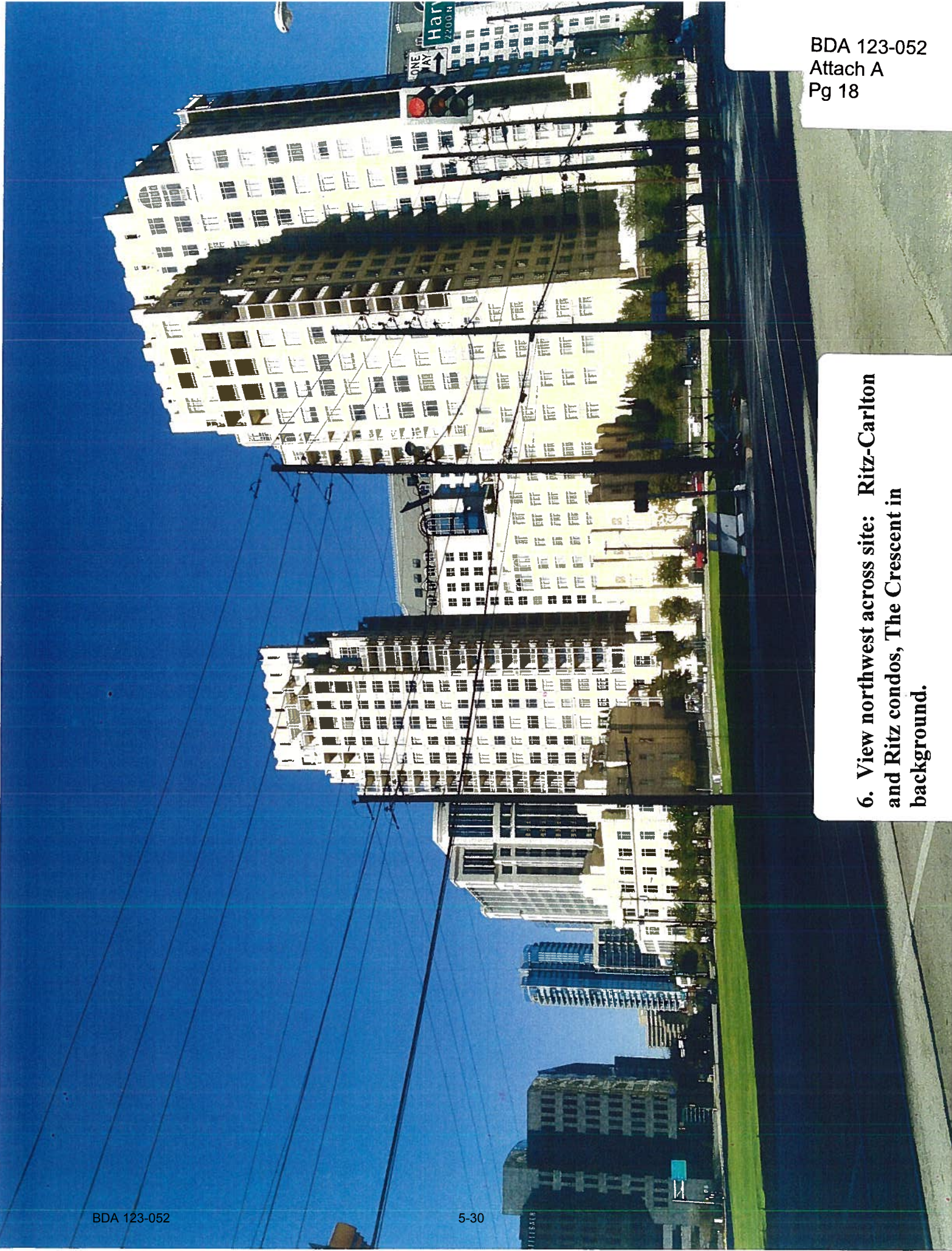
BDA 123-052
Attach A
Pg 15



4. View southwest across the site: 2000 McKinney, 1999 McKinney (Fountain Place, Hunt Oil building in ⁵⁻²⁸background).



**5. View southwest across site: 1999
McKinney on left, St. Ann Court on far
right, W Hotel and Cirque in background.**



6. View northwest across site: Ritz-Carlton and Ritz condos, The Crescent in background.



7. View west across site: St. Ann Court on left, Rosewood Court on right, Ritz-Carlton on far right.

5-31

The Oak Lawn Committee

(Since 1982)

www.oaklawncommittee.org

BDA 123-052
Attach A
Pg 20

Members:

American National Bank
Associated Estates
Crescent Real Estate
DUANE BATES
LELAND BURK
MICAH BYRNES
ROB ELMORE
SUZANN FARREN
BRION HANLON
STEVEN HARRIS
JUDY HAVELKA
PITTMAN HAYMORE
PHILIP HENDERSON
JOAN HENRY
KEVIN HICKMAN
BRUCE HORTON
MEL KLEIN
SUE KRIDER
BRENDA MARKS
MICHAEL MILLIKEN
JOHN OLSON
PAUL ONDREJ
ANTHONY PAGE
ZAC PORTER
Premier Communities
Management Company
Renaissance on Turtle Creek
Homeowners Assn.
JOHN SELIG
MARK SHEKTER
KATY SLADE
FRANK STICH
Taco Bueno
Turtle Creek Association
Villas at the Mansion
Warwick Melrose Hotel
NANCY WEINBERGER
ANDREW WHITTEMORE
DENISE YATES

April 2, 2013

Mr. Joseph Pitchford
Crescent Real Estate Equities, LLC
200 Crescent Court, Suite 250
Dallas, TX 75201
jpitchford@crescent.com

**RE: BDA 112-009, 2001 McKinney Avenue/2222 North Harwood Street,
Crescent Uptown development**

Dear Mr. Pitchford:

At its April meeting, the Oak Lawn Committee unanimously voted to support the applicant's request to amend approved Site Plan for BDA 112-009 to provide for averaging of setbacks per understanding of neighbors and landscape special exception to reduce garage buffer strip. The proposed setback, landscaping, and design will be a beautiful and fabulous addition to the Uptown area of Oak Lawn.

Thank you for the excellent presentation and for working with the Committee.

Sincerely,



Rob Elmore
President

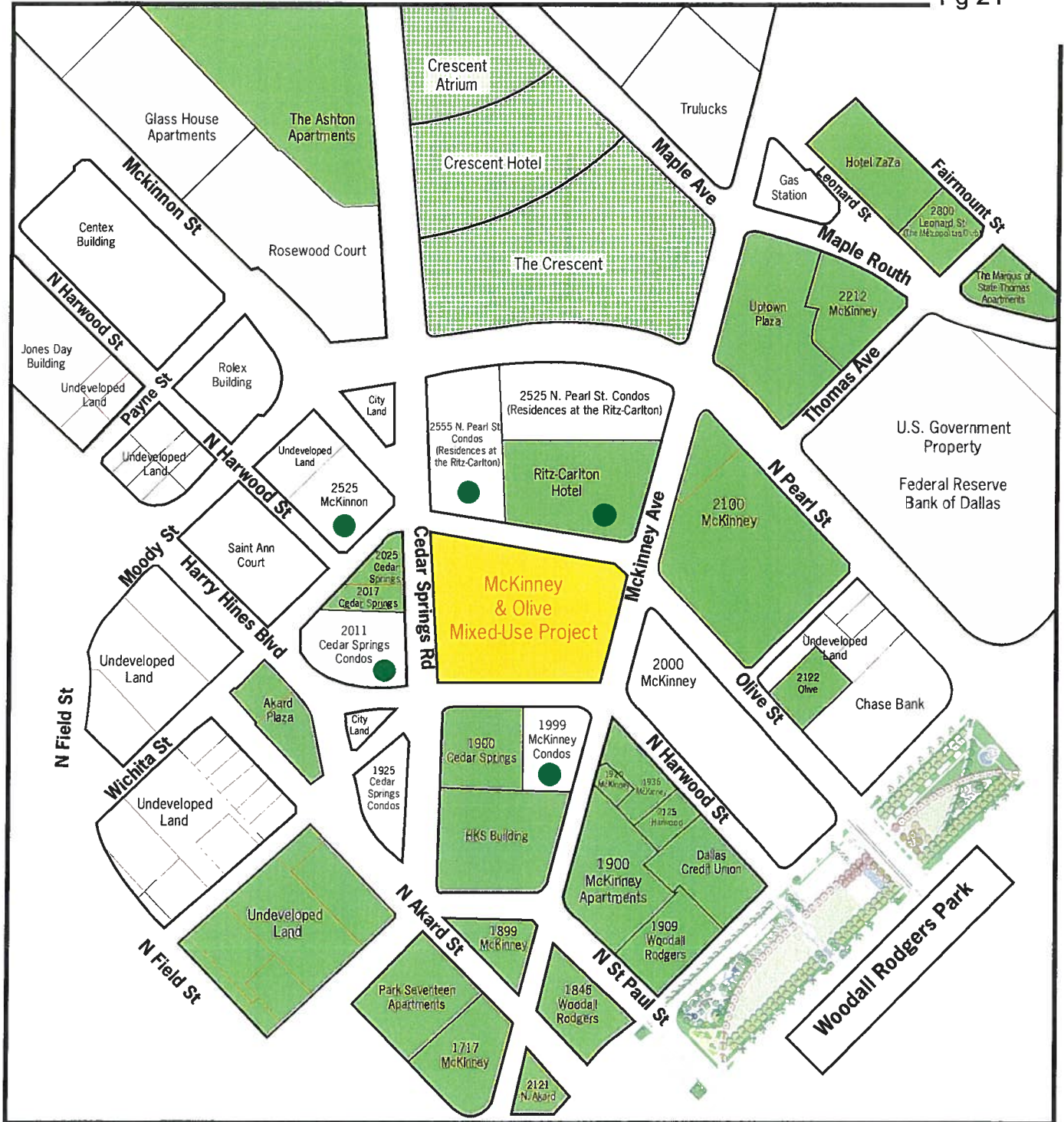
cc: Honorable Angela Hunt
Mr. Steve Long
Mr. Frank Stich
Mr. Jonathan Vinson

P.O. Box 190912, Dallas, Texas 75219

McKinney & Olive Mixed-Use Project Map of Neighborhood Support

Case No: BDA 112-009
Support Letters received as of 1/6/12

BDA 123-052
Attach A
Pg 21



- Subject Property: McKinney & Olive Mixed-Use Project
- Property Owner or HOA Board Support Letter received
- Property Manager Support Letters received
- Individual Homeowner or Tenant Support Letter received

Cedar Springs Lofts Condominium Association, Inc.
1925 Cedar Springs Road
Dallas, Texas 75201

BDA 123-052
Attach A
Pg 22

May 2, 2013

Hon. Chair and Members
Zoning Board of Adjustment, Panel B
c/o Mr. Steve Long, Board Administrator
1500 Marilla Street, Room 5BN
Dallas, Texas 75201

Re: BDA 123-052; Crescent Uptown Development

Dear Members of the Board of Adjustment:


The undersigned represents Cedar Springs Lofts Condominium Association which is a residential condominium property neighbor of Crescent Real Estate Equities' ("Crescent") proposed Uptown development, to be built soon on the site bounded by McKinney, Olive, Cedar Springs, and Harwood. We are very excited about this project, which will be an iconic office building designed by the renowned architect Cesar Pelli, with retail and restaurant space and beautifully landscaped green space open to the public.

We have spoken with the Crescent team, and we understand that after a lengthy design process, they are ready to begin construction later this year. However, Crescent has applied to the Board of Adjustment to ask for three items which will allow them to maximize the pedestrian experience and achieve the best architectural design possible. These three items are:

- An amendment to the already-approved site plan to allow averaging of the setbacks which was already volunteered by Crescent and agreed to by us when we spoke with them prior to the January 2012 case;
- A landscape special exception to not require a ten foot buffer next to the parking structure; understanding, however, that there will be very attractive landscaping and open space as part of the development; and
- Street trees otherwise required to be planted within the "tree planting zone" may be planted outside of such "tree planting zone" in a designated "Street Tree Zone".

We support Crescent's requests in this case, and we hope that you will vote to approve them. Thank you very much.

Sincerely yours,


By: James B. Reeder
President

1925 Cedar Springs Rd
Loft # 302
Dallas, Texas 75201

Tower and Regency Row Residences Condominium

BDA 123-052
Attach A
Pg 23

April 30, 2013

Hon. Chair and Members
Zoning Board of Adjustment, Panel B
c/o Mr. Steve Long, Board Administrator
1500 Marilla Street, Room 5BN
Dallas, Texas 75201

Re: BDA 123-052; Crescent Uptown Development

Dear Members of the Board of Adjustment:

The undersigned represents The Tower and Regency Row Residences Condominium located at 2555 N. Pearl Street which a residential condominium property neighbor of Crescent Real Estate Equities' ("Crescent") proposed Uptown development, to be built soon on the site bounded by McKinney, Olive, Cedar Springs, and Harwood. We are very excited about this project, which will be an iconic office building designed by the renowned architect Cesar Pelli, with retail and restaurant space and beautifully landscaped green space open to the public.

We have spoken with the Crescent team, and we understand that after a lengthy design process, they are ready to begin construction later this year. However, Crescent has applied to the Board of Adjustment to ask for three items which will allow them to maximize the pedestrian experience and achieve the best architectural design possible. These three items are:

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- A landscape special exception to not require a ten foot buffer next to the parking structure; understanding, however, that there will be very attractive landscaping and open space as part of the development; and
- Street trees otherwise required to be planted within the "tree planting zone" may be planted outside of such "tree planting zone" in a designated "Street Tree Zone".

We support Crescent's requests in this case, and we hope that you will vote to approve them. Thank you very much.

Sincerely yours,


(Signature)

Thomas Nezworski
(Printed Name)

2555 N. Pearl St #201
Dallas TX 75201
(Address)

Tower and Regency Row Residences Condominium

April 30, 2013

Hon. Chair and Members
Zoning Board of Adjustment, Panel B
c/o Mr. Steve Long, Board Administrator
1500 Marilla Street, Room 5BN
Dallas, Texas 75201

Re: BDA 123-052; Crescent Uptown Development

Dear Members of the Board of Adjustment:

The undersigned represents The Tower and Regency Row Residences Condominium located at 2555 N. Pearl Street which a residential condominium property neighbor of Crescent Real Estate Equities' ("Crescent") proposed Uptown development, to be built soon on the site bounded by McKinney, Olive, Cedar Springs, and Harwood. We are very excited about this project, which will be an iconic office building designed by the renowned architect Cesar Pelli, with retail and restaurant space and beautifully landscaped green space open to the public.

We have spoken with the Crescent team, and we understand that after a lengthy design process, they are ready to begin construction later this year. However, Crescent has applied to the Board of Adjustment to ask for three items which will allow them to maximize the pedestrian experience and achieve the best architectural design possible. These three items are:

- An amendment to the already-approved site plan to allow averaging of the setbacks which was already volunteered by Crescent and agreed to by us when we spoke with them prior to the January 2012 case;
- A landscape special exception to not require a ten foot buffer next to the parking structure; understanding, however, that there will be very attractive landscaping and open space as part of the development; and
- Street trees otherwise required to be planted within the "tree planting zone" may be planted outside of such "tree planting zone" in a designated "Street Tree Zone".

We support Crescent's requests in this case, and we hope that you will vote to approve them. Thank you very much.

Sincerely yours,


(Signature) DIRECTOR

LLOYD SHINN
(Printed Name)

2555 N. PEARL ST.
DALLAS, TX. 75201
(Address)

Tower and Regency Row Residences Condominium

April 30, 2013

Hon. Chair and Members
Zoning Board of Adjustment, Panel B
c/o Mr. Steve Long, Board Administrator
1500 Marilla Street, Room 5BN
Dallas, Texas 75201

Re: BDA 123-052; Crescent Uptown Development

Dear Members of the Board of Adjustment:

The undersigned represents The Tower and Regency Row Residences Condominium located at 2555 N. Pearl Street which a residential condominium property neighbor of Crescent Real Estate Equities' ("Crescent") proposed Uptown development, to be built soon on the site bounded by McKinney, Olive, Cedar Springs, and Harwood. We are very excited about this project, which will be an iconic office building designed by the renowned architect Cesar Pelli, with retail and restaurant space and beautifully landscaped green space open to the public.

We have spoken with the Crescent team, and we understand that after a lengthy design process, they are ready to begin construction later this year. However, Crescent has applied to the Board of Adjustment to ask for three items which will allow them to maximize the pedestrian experience and achieve the best architectural design possible. These three items are:

- An amendment to the already-approved site plan to allow averaging of the setbacks which was already volunteered by Crescent and agreed to by us when we spoke with them prior to the January 2012 case;
- A landscape special exception to not require a ten foot buffer next to the parking structure; understanding, however, that there will be very attractive landscaping and open space as part of the development; and
- Street trees otherwise required to be planted within the "tree planting zone" may be planted outside of such "tree planting zone" in a designated "Street Tree Zone".

We support Crescent's requests in this case, and we hope that you will vote to approve them. Thank you very much.

Sincerely yours,

Kyle W. Crews
(Signature) DIRECTOR

Kyle W. Crews
(Printed Name)

2555 N. Pearl #202

Dallas, TX 75219
(Address)

Tower and Regency Row Residences Condominium

April 30, 2013

Hon. Chair and Members
Zoning Board of Adjustment, Panel B
c/o Mr. Steve Long, Board Administrator
1500 Marilla Street, Room 5BN
Dallas, Texas 75201

Re: BDA 123-052; Crescent Uptown Development

Dear Members of the Board of Adjustment:

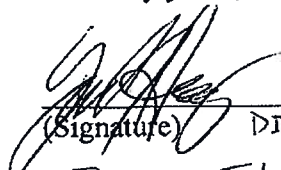
The undersigned represents The Tower and Regency Row Residences Condominium located at 2555 N. Pearl Street which a residential condominium property neighbor of Crescent Real Estate Equities' ("Crescent") proposed Uptown development, to be built soon on the site bounded by McKinney, Olive, Cedar Springs, and Harwood. We are very excited about this project, which will be an iconic office building designed by the renowned architect Cesar Pelli, with retail and restaurant space and beautifully landscaped green space open to the public.

We have spoken with the Crescent team, and we understand that after a lengthy design process, they are ready to begin construction later this year. However, Crescent has applied to the Board of Adjustment to ask for three items which will allow them to maximize the pedestrian experience and achieve the best architectural design possible. These three items are:

- An amendment to the already-approved site plan to allow averaging of the setbacks which was already volunteered by Crescent and agreed to by us when we spoke with them prior to the January 2012 case;
- A landscape special exception to not require a ten foot buffer next to the parking structure; understanding, however, that there will be very attractive landscaping and open space as part of the development; and
- Street trees otherwise required to be planted within the "tree planting zone" may be planted outside of such "tree planting zone" in a designated "Street Tree Zone".

We support Crescent's requests in this case, and we hope that you will vote to approve them. Thank you very much.

Sincerely yours,



(Signature) DIRECTOR
JAMES J. HENLEY

(Printed Name)

(Address)

Tower and Regency Row Residences Condominium

April 30, 2013

Hon. Chair and Members
Zoning Board of Adjustment, Panel B
c/o Mr. Steve Long, Board Administrator
1500 Marilla Street, Room 5BN
Dallas, Texas 75201

Re: BDA 123-052; Crescent Uptown Development

Dear Members of the Board of Adjustment:

The undersigned represents The Tower and Regency Row Residences Condominium located at 2555 N. Pearl Street which a residential condominium property neighbor of Crescent Real Estate Equities' ("Crescent") proposed Uptown development, to be built soon on the site bounded by McKinney, Olive, Cedar Springs, and Harwood. We are very excited about this project, which will be an iconic office building designed by the renowned architect Cesar Pelli, with retail and restaurant space and beautifully landscaped green space open to the public.

We have spoken with the Crescent team, and we understand that after a lengthy design process, they are ready to begin construction later this year. However, Crescent has applied to the Board of Adjustment to ask for three items which will allow them to maximize the pedestrian experience and achieve the best architectural design possible. These three items are:

- An amendment to the already-approved site plan to allow averaging of the setbacks which was already volunteered by Crescent and agreed to by us when we spoke with them prior to the January 2012 case;
- A landscape special exception to not require a ten foot buffer next to the parking structure; understanding, however, that there will be very attractive landscaping and open space as part of the development; and
- Street trees otherwise required to be planted within the "tree planting zone" may be planted outside of such "tree planting zone" in a designated "Street Tree Zone".

We support Crescent's requests in this case, and we hope that you will vote to approve them. Thank you very much.

Sincerely yours,



(Signature) Director

Kevin D Crum

(Printed Name)

2555 N. Pearl #901

Dallas, Tx 75201

(Address)

April 5, 2013

Hon. Chair and Members
Zoning Board of Adjustment, Panel B
c/o Mr. Steve Long, Board Administrator
1500 Marilla Street, Room 5BN
Dallas, Texas 75201

Re: BDA 123-052; Crescent Uptown Development

Dear Members of the Board of Adjustment:

A Shelby Family entity owns property at 1920 McKinney Avenue, 1936 McKinney Avenue, and 2125 Harwood Street which are commercial property neighbors of Crescent Real Estate Equities' ("Crescent") proposed Uptown development, to be built soon on the site bounded by McKinney, Olive, Cedar Springs, and Harwood. We are very excited about this project, which will be an iconic office building designed by the renowned architect Cesar Pelli, with retail and restaurant space and beautifully landscaped green space open to the public.

We have spoken with the Crescent team, and we understand that after a lengthy design process, they are ready to begin construction later this year. However, Crescent has applied to the Board of Adjustment to ask for two items which will allow them to maximize the pedestrian experience and achieve the best architectural design possible. These two items are:

- An amendment to the already-approved site plan to allow averaging of the setbacks which was already volunteered by Crescent and agreed to by us when we spoke with them prior to the January 2012 case; and
- A landscape special exception to not require a ten foot buffer next to the parking structure; understanding, however, that there will be very attractive landscaping and open space as part of the development.

We support both of Crescent's requests in this case, and we hope that you will vote to approve both of them. Thank you very much.

Sincerely yours,



(Signature)

Aaron Shelby
McKinney Harwood LLC
5535 SMU Blvd #200
Dallas, Tx 75206

Crescent Plaza Hotel Owner, L.P.

April 12, 2013

Hon. Chair and Members
Zoning Board of Adjustment, Panel B
c/o Mr. Steve Long, Board Administrator
1500 Marilla Street, Room 5BN
Dallas, Texas 75201

Re: BDA 123-052; Crescent Uptown Development

Dear Members of the Board of Adjustment:

Crescent Plaza Hotel Owner, L.P. ("Crescent Plaza" or "We") owns property at 2121 McKinney Avenue which is a commercial property neighbor of Crescent Real Estate Equities' ("Crescent Real Estate") proposed Uptown development, to be built soon on the site bounded by McKinney, Olive, Cedar Springs, and Harwood. Crescent Plaza is a subsidiary of Crescent Real Estate. We are very excited about this project, which will be an iconic office building designed by the renowned architect Cesar Pelli, with retail and restaurant space and beautifully landscaped green space open to the public.

We have spoken with the Crescent Real Estate team, and we understand that after a lengthy design process, they are ready to begin construction later this year. However, Crescent Real Estate has applied to the Board of Adjustment to ask for three items which will allow them to maximize the pedestrian experience and achieve the best architectural design possible. These three items are:

- An amendment to the already-approved site plan to allow averaging of the setbacks which was already volunteered by Crescent and agreed to by us when we spoke with them prior to the January 2012 case;
- A landscape special exception to not require a ten foot buffer next to the parking structure; understanding, however, that there will be very attractive landscaping and open space as part of the development; and
- Street trees otherwise required to be planted within the "tree planting zone" may be planted outside of such "tree planting zone" in a designated "Street Tree Zone".

We support Crescent Real Estate's requests in this case, and we hope that you will vote to approve them. Thank you very much.


Sincerely yours,

BDA 123-052
Attach A
Pg 30

Crescent Plaza Hotel Owner, L.P.,
a Delaware limited partnership

By: Crescent Plaza Hotel Owner GP, LLC, a Delaware limited liability company, its general partner

By: Crescent Real Estate Equities, LLC, a Delaware limited liability company, its manager

By: 

Name: Jason Anderson
Title: Chief Operating Officer

April 2, 2013

Hon. Chair and Members
Zoning Board of Adjustment, Panel B
c/o Mr. Steve Long, Board Administrator
1500 Marilla Street, Room 5BN
Dallas, Texas 75201

Re: BDA 123-052: Crescent Uptown Development

Dear Members of the Board of Adjustment:

Metropolitan Life Insurance Company owns or co-owns property at 2100 McKinney Avenue, 2122 Olive Street, and 1900 McKinney Avenue which are commercial property neighbors of Crescent Real Estate Equities' ("Crescent") proposed Uptown development, to be built soon on the site bounded by McKinney, Olive, Cedar Springs, and Harwood. We are very excited about this project, which will be an iconic office building designed by the renowned architect Cesar Pelli, with retail and restaurant space and beautifully landscaped green space open to the public.

We have spoken with the Crescent team, and we understand that after a lengthy design process, they are ready to begin construction later this year. However, Crescent has applied to the Board of Adjustment to ask for two items which will allow them to maximize the pedestrian experience and achieve the best architectural design possible. These two items are:

- An amendment to the already-approved site plan to allow averaging of the setbacks which was already volunteered by Crescent prior to the January 2012 case; and
- A landscape special exception to not require a ten foot buffer next to the parking structure; understanding, however, that there will be very attractive landscaping and open space as part of the development.

We support both of Crescent's requests in this case, and we hope that you will vote to approve both of them. Thank you very much.

Sincerely yours,



Kurt Day, Director

5420 LBJ Freeway, Suite 1310
Dallas, TX 75240



April 11, 2013

Hon. Chair and Members
Zoning Board of Adjustment, Panel B
c/o Mr. Steve Long, Board Administrator
1500 Marilla Street, Room 5BN
Dallas, Texas 75201

Re: BDA 123-052; Crescent Uptown Development

Dear Members of the Board of Adjustment:

A subsidiary of Talon Private Capital owns the office building at 2525 McKinnon Street, which is adjacent to Crescent Real Estate Equities' ("Crescent") proposed Uptown development, to be built soon on the site bounded by McKinney, Olive, Cedar Springs, and Harwood. We are very excited about this project, which will be an iconic office building designed by the renowned architect Cesar Pelli, with retail and restaurant space and beautifully landscaped green space open to the public.

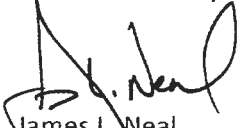
We have spoken with the Crescent team, and we understand that after a lengthy design process, they are ready to begin construction later this year. However, Crescent has applied to the Board of Adjustment to ask for three items which will allow them to maximize the pedestrian experience and achieve the best architectural design possible. These three items are:

- An amendment to the already-approved site plan to allow averaging of the setbacks which was already volunteered by Crescent prior to the January 2012 case; and
- A landscape special exception to not require a ten foot buffer next to the parking structure; understanding, however, that there will be very attractive landscaping and open space as part of the development.
- Street trees otherwise required to be planted within the "tree planting zone" may be planted outside of such "tree planting zone" in a designated "Street Tree Zone."

We support Crescent's requests in this case, and we hope that you will vote to approve them. Thank you very much.

Very truly yours,

Talon Private Capital, LLC



James L. Neal
Managing Principal
(206) 607-2555

1800 Ninth Avenue, Suite 1600, Seattle, WA 98101



CITY OF DALLAS

Memorandum

DATE May 13, 2013

TO

Steve Long, Board of Adjustment Administrator

SUBJECT # BDA 123 · 052

2001 McKinney Avenue

The applicant is requesting a special exception to the landscape requirements of PD 193 (HC). Specifically, the request is for an exception to mandatory requirements for trees (193.126(b)(5)) and for a garage screening and landscaping (193.126(b)(3)(D)) in an HC district.

Trigger

New construction of a vacant property.

Deficiencies

The proposed conceptual landscape plan (not to scale) identifies two confirmed deficiencies: 1) trees (for tree planting zone requirements), and 2) garage screening and landscaping. Staff believes the 8' sidewalk would be within, and exceed, the required 5'-12' zone from back of curb.

Factors

The 'conceptual landscape plan' that is provided does not meet the minimum standards for submittal for a building permit. The final complement and placement of landscaping materials and hardscape on the plan is subject to possible site design changes. The chief arborist has produced comments based only on the illustrations and narrative of the given conceptual plan, but has not concluded for the Board if a complete landscape plan is feasible at this time.

The HC district has the following requirements: 3.5" caliper trees with a density of 1 tree per 25 feet of frontage within a tree planting zone between 2.5 and 5 feet from back of curb; a minimum of 6'-wide sidewalks placed from 5 to 12 feet from back of curb; and off-street parking and screening requirements that include garage screening and landscaping.

Designated landscape areas (landscape site area, general planting area, special planting area) are not required for the HC district.

For Olive Street and a portion of McKinney Avenue, the applicant proposes to designate 20-foot wide tree planting zones along two rows, in a staggered formation, on both sides of the street sidewalk. The zone would hold at least the required number of trees.

The applicant proposes a minimum 8' sidewalk along the entire perimeter, with much of the sidewalk on private property. A sidewalk easement will be required.

The garage frontage for the property is identified only on Harwood, and about 25-30% of that frontage (excluding the entries) would require a landscape buffer by ordinance. A narrow planting strip is identified between the structure and the sidewalk for that distance. No plant selections are identified for the planting strip. There is no off-street surface parking identified on the conceptual landscape plan.

The submitted conceptual plan is intended as an illustration of the general landscape design concept for the property to adjust to the given building profile. The illustrations of hardscape and landscapes, other than required sidewalks, tree planting zones and the garage landscaping, do not describe requirements of PD 193 (HC). If the Board approves their proposal, the requirements of PD 193 (HC) will apply to the property with the stated exceptions in Notes 4 and 5.

The given landscape plan is not drawn to scale and does not otherwise meet the minimum requirements for a landscape plan for building permit. If the conditions of this plan are approved, a compliant landscape plan, subject to the decision of the Board, must be submitted for approval by the building official.

The plan states "street trees may vary as to specific location, spacing, and size so long as the minimum Street Tree Calculations are met and are otherwise in compliance with any other applicable regulations." In addressing the matter of tree size, staff recognizes the plan also states "the caliper of all street trees shall meet the requirements of PD 193."

Recommendation

I recommend approval of the submitted conceptual landscape plan because, in my opinion, the proposed plan does not compromise the spirit and intent of the ordinance. In application of this matter, I recommend the following conditions:

The owner must submit for approval a landscape plan for permit, in compliance with the minimum landscape requirements of PD 193, with the exception of the conditions of Notes 4 and 5 of the May 10, 2013 conceptual landscape plan.

Trees to be planted in the designated 'Street Tree Zone' of the conceptual landscape plan must be configured in the zone on the final approved plan to emulate, as closely as is practicable, the illustration of the approved conceptual landscape plan, subject to approval of the building official.

Philip Erwin, ISA certified arborist #TX-1284(A)
Chief Arborist



City of Dallas

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 123-052

Data Relative to Subject Property:

Date: 3-29-13

Location address: 2001 McKinney Avenue/2222 North Harwood Street Zoning District: P.D. 193/HC

Lot No.: 1 Block No.: A/948 Acreage: 3.0968 acres Census Tract: 19,60

Street Frontage (in Feet): 1) 380 2) 271 3) 447 4) 360 5)

SW 22

To the Honorable Board of Adjustment :

Owner of Property/or Principal: Crescent Real Estate Equities Limited Partnership

Applicant: Jackson Walker L.L.P., Susan Mead/Jonathan Vinson Telephone: (214) 953-5941

Mailing Address: 901 Main Street, Suite 6000, Dallas, Texas Zip Code: 75202

Represented by: Jackson Walker L.L.P., Susan Mead/Jonathan Vinson Telephone: (214) 953-5941

Mailing Address: 901 Main Street, Suite 6000, Dallas, Texas Zip Code: 75202

Affirm that a request has been made for a Variance , or Special Exception , of to amend the approved Site Plan approved pursuant to BDA 112-009 (variance to the applicable height regulations) and a special exception to the landscape regulations of Sec. 51P-193.126(b)(3)(D).

Application is now made to the Honorable Board of Adjustment, in accordance with the provisions of the Dallas Development Code, to grant the described request for the following reason:

The amendment to the variance should be granted as not contrary to the public interest because, owing to special conditions, a literal enforcement of P.D. 193 would result in unnecessary hardship, and so that the spirit of the ordinance will be observed and substantial justice done, and the special exception should be granted because it will not compromise the spirit and intent of Sec. 51P-193.126, all of which will be documented and elaborated upon further by the applicant in additional items to be submitted to the City Staff.

Note to Applicant: If the relief requested in this application is granted by the Board of Adjustment, said permit must be applied for within 180 days of the date of the final action of the Board, unless the Board specifically grants a longer period.

Respectfully submitted: Jonathan G. Vinson Applicant's name printed *Jonathan G. Vinson* Applicant's signature

Affidavit

Before me the undersigned on this day personally appeared Jonathan G. Vinson who on (his/her) oath certifies that the above statements are true and correct to his/her best knowledge and that he/she is the owner/or principal/or authorized representative of the subject property.

Jonathan G. Vinson
Affiant (Applicant's signature)

Subscribed and sworn to before me this 28th day of March, 2013

Donna Pinkerton
Notary Public in and for Dallas County, Texas



MEMORANDUM OF
ACTION TAKEN BY THE
BOARD OF ADJUSTMENT

Date of Hearing _____

Appeal was--Granted OR Denied

Remarks _____

Chairman

Building Official's Report

I hereby certify that Jonathan Vinson

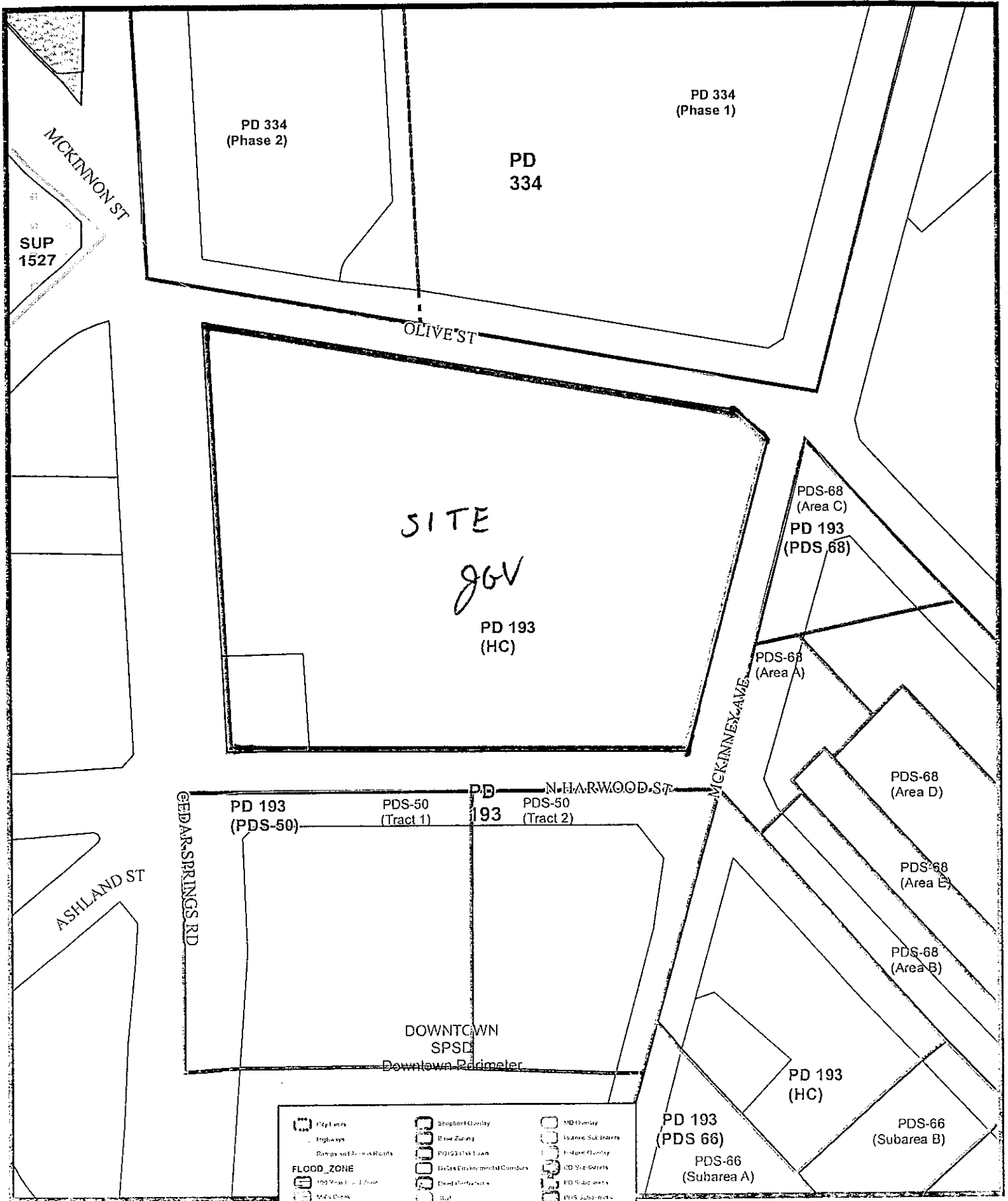
did submit a request for a variance to the building height regulation, and for a special exception to the landscaping regulations

at 2001 McKinney Avenue

BDA123-052. Application of Jonathan Vinson for a variance to the building height regulation and a special exception to the landscaping regulations at 2001 McKinney Avenue. This property is more fully described as Lot 1, Block A/948, and is zoned PD-193 (HC), which limits the maximum building height and requires mandatory landscaping. The applicant proposes to construct a nonresidential structure with a building height of 335 feet, which will require a 95 foot variance to the maximum building height regulation, and to construct a nonresidential structure and provide an alternate landscape plan, which will require a special exception to the landscape regulations.

Sincerely,


Larry Holmes, Building Official

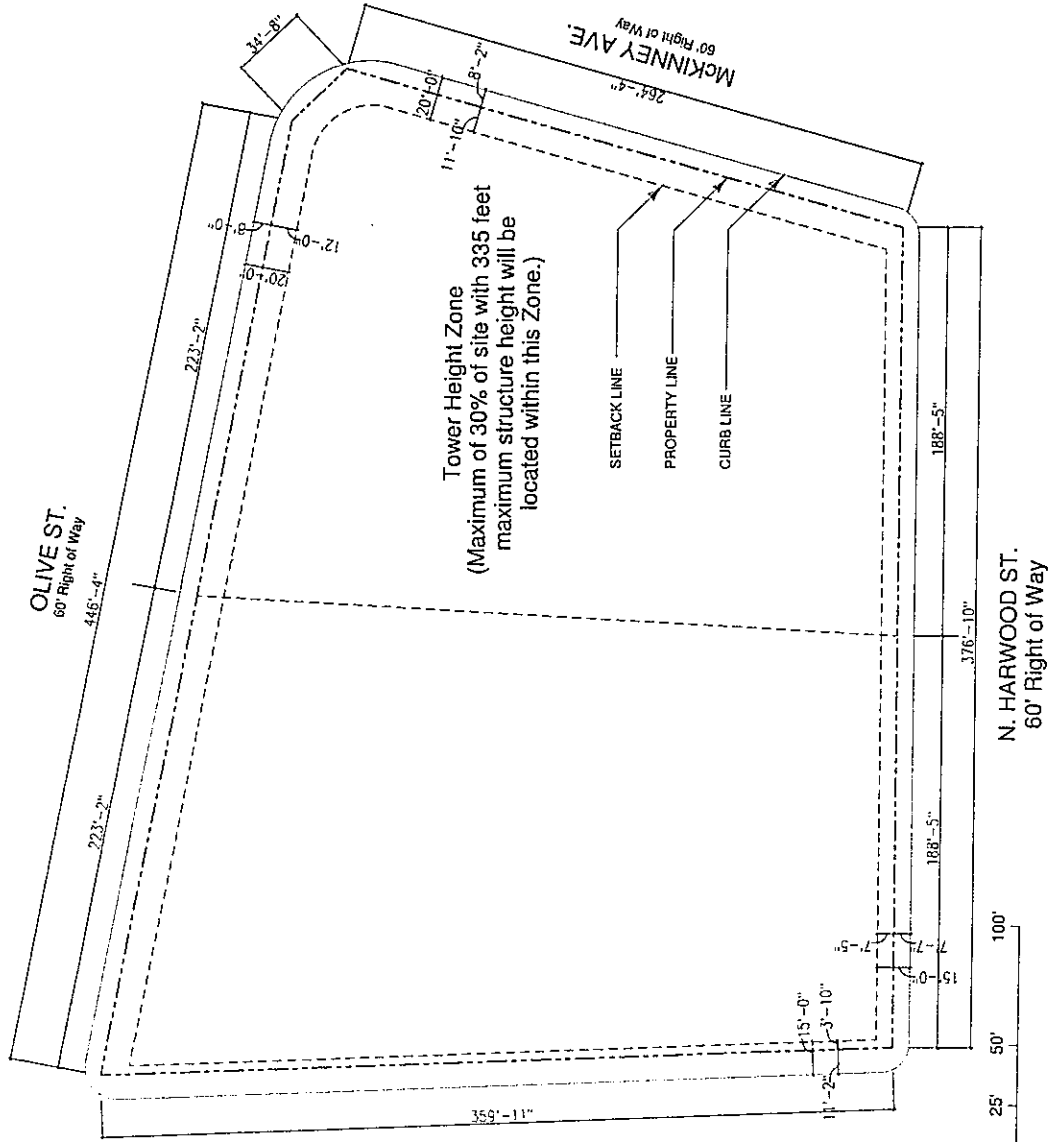


1:1,200

BDA 123-052

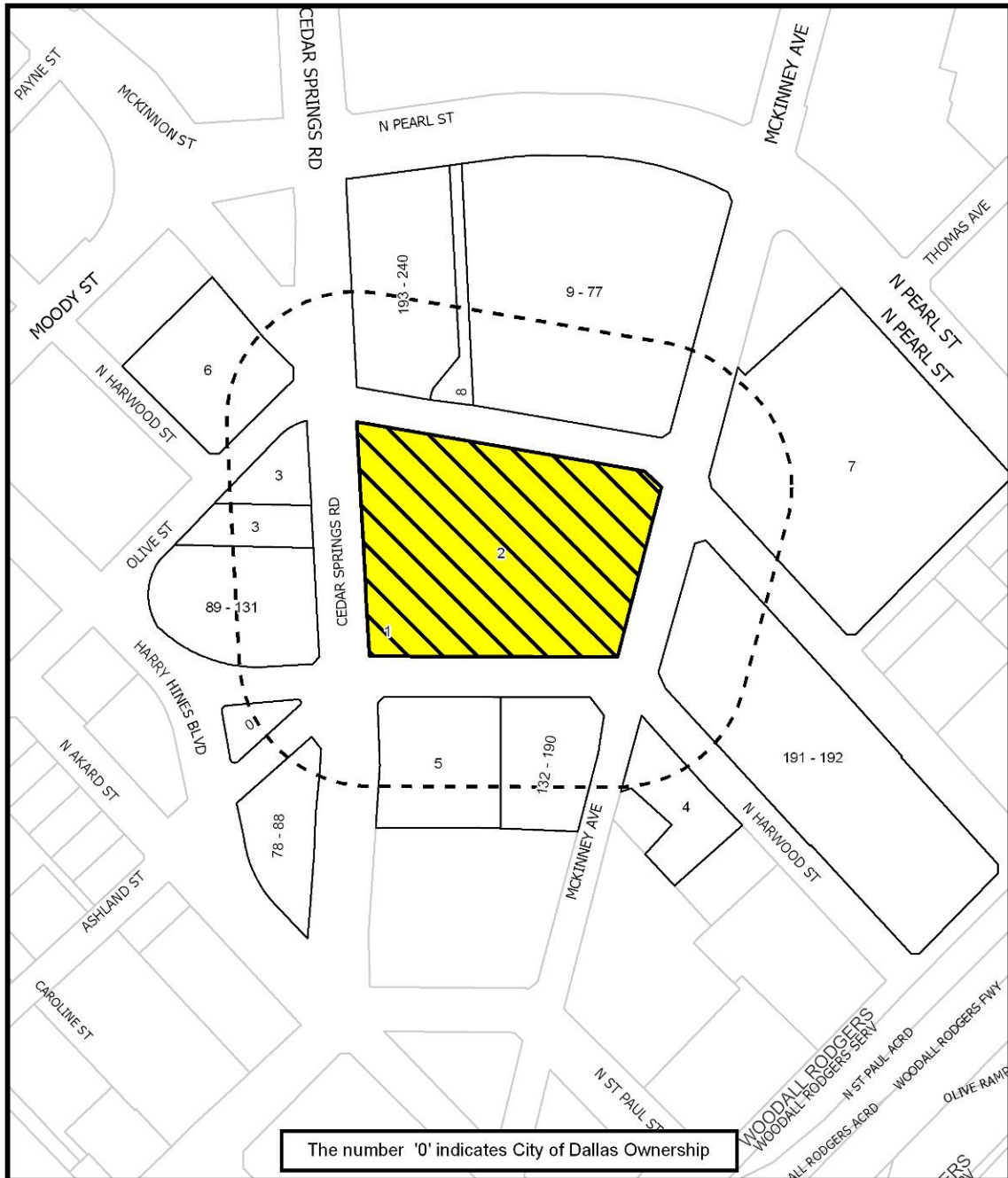
FLOOD_ZONE		

Case ID:
Printed: 2/21/2013



NOTES:

1. Other than additional height, all yard, lot and space regulations will conform to applicable requirements of PD 193 and any other applicable ordinances.
2. Development of the site will be subject to the height limits and percentages specified below:
 - 335 feet height limit not more than 30% of the site.
 - 220 feet height limit not more than 20% of the site.
 - 120 feet height limit not more than 50% of the site.
3. Development of the site will be subject to the setbacks as shown on each of the height zones, to offset height and enhance pedestrian environment, and shall be calculated as an average setback along each street frontage, measured from front of curb line to face of permanent structure at the ground plane only.
4. Ten foot landscaping buffer on any side of an aboveground parking structure facing a public right-of-way, residential district, residential subdistrict, or residential use, otherwise required pursuant to Sec. 51P-193.126(b)(D), is not required on this site.



 1:2,400	NOTIFICATION		Case no: BDA123-052
	<div style="border: 1px solid black; padding: 2px; display: inline-block;">200'</div> AREA OF NOTIFICATION <div style="border: 1px solid black; padding: 2px; display: inline-block;">240</div> NUMBER OF PROPERTY OWNERS NOTIFIED		Date: 5/1/2013

Notification List of Property Owners

BDA123-052

240 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	2222 HARWOOD ST	CRESCENT REAL ESTATE EQUITIES LTD PARTNE
2	2001 MCKINNEY AVE	CRESCENT REAL ESTATE EQUITIES LTD PS
3	2017 CEDAR SPRINGS RD	CRESCENT POINT LTD
4	1936 MCKINNEY AVE	MCKINNEY HARWOOD LLC
5	1900 CEDAR SPRINGS RD	SE 1900 CEDAR SPRINGS LP STE 950
6	2525 MCKINNON ST	2525 MCKINNON LLC STE 175
7	2100 MCKINNEY AVE	METROPOLITAN LIFE INC CO SUITE 1310
8	2510 CEDAR SPRINGS RD	CRESCENT REAL ESTATE EQUITIES LIMITED PS
9	2121 MCKINNEY AVE	CRESCENT PLZ HOTEL OWNER SUITE 2100
10	2525 PEARL ST	HOWE KEVIN & CONSTANCE HOWE
11	2525 PEARL ST	ADELGLASS JEFFREY & BARBARA
12	2525 PEARL ST	MCKENZIE ARETA B UNIT 209
13	2525 PEARL ST	HIXSON ROBERT L JR &
14	2525 PEARL ST	BASS H NEIL & BARBARA D
15	2525 PEARL ST	PASTORE WILLIAM & L FALLON
16	2525 PEARL ST	DONDERO ROBERT C & MARIAN T
17	2525 PEARL ST	COTTEL WILLIS I TRUSTEE THE WILLIS I COT
18	2525 PEARL ST	SHINN LLOYD & SHINN BARBARA
19	2525 PEARL ST	BOSSE JEFFREY F & DONNA S
20	2525 PEARL ST	QUIST SHARON S
21	2525 PEARL ST	MCKENZIE ARETA B
22	2525 PEARL ST	MCLAREN JEFFREY
23	2525 PEARL ST	STERN MATT D
24	2525 PEARL ST	ZWEDEN JAAP VAN &
25	2525 PEARL ST	OHRE DAVID E
26	2525 PEARL ST	ZISMAN AVI

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
27	2525 PEARL ST	SHUMRAK H MICHAEL & SARAH C
28	2525 PEARL ST	TOELLER GARY RICHARD & ANNE S TRUSTEES T
29	2525 PEARL ST	SONNENSCHNEID INVESTMENTS LTD
30	2525 PEARL ST	MORENO ROBERTO JAVIER GONZALEZ
31	2525 PEARL ST	MILLER ROBERT H & DEBRA J
32	2525 PEARL ST	CARLOW CORP
33	2525 PEARL ST	GINSBURG SCOTT K
34	2525 PEARL ST	CONNOLLY ROBERT G & JOANN APT 1205
35	2525 PEARL ST	ABOU QAMAR MAAMOUN Y
36	2525 PEARL ST	PIMENTEL EMILIO & MONICA STE 100-179
37	2525 PEARL ST	GALLETTA NANCY J #1301
38	2525 PEARL ST	BAILEY CHARLES R & VIRGINIA H
39	2525 PEARL ST	EAGLE ROBERT M
40	2525 PEARL ST	WESTDALE PPTIES AMERICA I
41	2525 PEARL ST	BULARD FAMILY TRUST UTA
42	2525 PEARL ST	WOOD DAVID M STE 1306
43	2525 PEARL ST	CUMMINGS KEVIN & GUINEVERE
44	2525 PEARL ST	SANDLIN MARK R
45	2525 PEARL ST	RICHARDSON ANDREW C & ERIN
46	2525 PEARL ST	ZISMAN AVI
47	2525 PEARL ST	BROWER SHANNON
48	2525 PEARL ST	KIM TAESEUNG BEN & CHUNG TAMMY K
49	2525 PEARL ST	RAPHAEL AUDREY LIVING TR THE PHOENICIAN
50	2525 PEARL ST	PLAMONDON MARK & PEGGY
51	2525 PEARL ST	1013 NW LOOP 410 VENTURE 1 FORUM 16TH FL
52	2525 PEARL ST	MCKNIGHT JAMES ROSS & BILLIE
53	2525 PEARL ST	MITCHELL G KEITH JR & LOIS D
54	2525 PEARL ST	ALVARADO JOSEPH & DORIS A UNIT #1504
55	2525 PEARL ST	HAUSLEIN FERDINAND A JR SUITE 1505
56	2525 PEARL ST	WALKER ROBERT M & GUDRUN S
57	2525 PEARL ST	CASTO DAVID & LUANN UNIT 1507

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
58	2525 PEARL ST	TAYLOR BERNARD &
59	2525 PEARL ST	ALBERTS DENNY & CYNTHIA COMPARIN STE 160
60	2525 PEARL ST	DOUGLASS GREGORY
61	2525 PEARL ST	NURENBERG PAMELA & DAVID EWALT
62	2525 PEARL ST	PARKS JAMES LEE
63	2525 PEARL ST	ROMAN FRANK
64	2525 PEARL ST	CROWDER KEVIN & KAREN
65	2525 PEARL ST	HEADINGTON REALTY & CAPITAL LLC
66	2525 PEARL ST	ROSS STEPHANIE REVOCABLE TRUST
67	2525 PEARL ST	BORICUA ENTERPRISES LP
68	2525 PEARL ST	TEL REAL ESTATE LLC JML REAL ESTATE LLC
69	2525 PEARL ST	J3 DEVELOPMENT LLC
70	2525 PEARL ST	MAYER TOM & SUSAN
71	2525 PEARL ST	KARKOUTLY AMAN & KARKOUTLY SUSAN
72	2525 PEARL ST	HAMMOND GABRIEL
73	2525 PEARL ST	TWOMEY KEVIN M & TWOMEY DANNEHL M
74	2525 PEARL ST	WAGNER DUER III
75	2525 PEARL ST	HADDOCK RON W & HADDOCK SANDI
76	2525 PEARL ST	SOLOMON WILLIAM T & GAY F
77	2525 PEARL ST	DISNEY RONALD W & KATHLEEN
78	1925 CEDAR SPRINGS RD	KIRK JAMES R UNIT 101
79	1925 CEDAR SPRINGS RD	MARTIN CHRISTOPHERH &
80	1925 CEDAR SPRINGS RD	WARPAINT HQ LLC % CRISTIN ADAMS
81	1925 CEDAR SPRINGS RD	ROMANO PHILIP J
82	1925 CEDAR SPRINGS RD	THREE BRIDS PROPERTY LP
83	1925 CEDAR SPRINGS RD	ROLLINS PROPERTIES LP % JAMES KIRK
84	1925 CEDAR SPRINGS RD	ROLLIN PROPERTIES LP % JAMES KIRK
85	1925 CEDAR SPRINGS RD	DAWSON WILLIAM B & PATRICIA A STE
86	1925 CEDAR SPRINGS RD	SMITH THOMAS L UNIT #301
87	1925 CEDAR SPRINGS RD	REEDER JAMES B LOFT 302
88	1925 CEDAR SPRINGS RD	BALDRIDGE JERALD TR ETAL SUITE 303

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
89	2011 CEDAR SPRINGS RD	HUFFMAN HENRY T UNIT 101
90	2011 CEDAR SPRINGS RD	POLLAK MICHAEL & KAREN UNIT 102
91	2011 CEDAR SPRINGS RD	HERMAN JOHN H & SUSAN
92	2011 CEDAR SPRINGS RD	HOME BRIAN LEE STE 104
93	2011 CEDAR SPRINGS RD	TOLER KATHY A APT 105
94	2011 CEDAR SPRINGS RD	DICKER NATHAN UNIT 106
95	2011 CEDAR SPRINGS RD	SBORLINI DIANE M APT 107
96	2011 CEDAR SPRINGS RD	KELLY FINN E
97	2011 CEDAR SPRINGS RD	RODINE RICHARD LEE & SHARON JOYCE TR
98	2011 CEDAR SPRINGS RD	RAHHAL STEVEN UNIT 203
99	2011 CEDAR SPRINGS RD	BRIGGS CHARLES A & BECKY B
100	2011 CEDAR SPRINGS RD	BHARDWAJ ANTONIO VERSACE UNIT 205
101	2011 CEDAR SPRINGS RD	WILK BRIAN D # 206
102	2011 CEDAR SPRINGS RD	GONZALEZ JOSE F
103	2011 CEDAR SPRINGS RD	ROBERTS RANDY C & JACKIE
104	2011 CEDAR SPRINGS RD	RODMAN ADAM R
105	2011 CEDAR SPRINGS RD	CADWALLADER PAUL DAVID #303
106	2011 CEDAR SPRINGS RD	OXFORD RANDALL G & MITCHELL LEE
107	2011 CEDAR SPRINGS RD	DAVIDOW JOAN C UNIT 305
108	2011 CEDAR SPRINGS RD	BRAME TANDI
109	2011 CEDAR SPRINGS RD	NILSEN CHRISTOPHER CARL
110	2011 CEDAR SPRINGS RD	SMALL NEAL
111	2011 CEDAR SPRINGS RD	LIBBY JARED C & MIA LEHMKUHL #402
112	2011 CEDAR SPRINGS RD	SWORDS JOHN H
113	2011 CEDAR SPRINGS RD	COIL JOHN A #405
114	2011 CEDAR SPRINGS RD	LEVITAN DANIEL S #406
115	2011 CEDAR SPRINGS RD	HELLER ALAN W & SHIRLEY
116	2011 CEDAR SPRINGS RD	SHAH MONAL B UNIT 501
117	2011 CEDAR SPRINGS RD	HOPPER KIRK #502
118	2011 CEDAR SPRINGS RD	SANCHEZ MAURICIO
119	2011 CEDAR SPRINGS RD	SMITH JAMES B TRUSTEE OF JAMES B SMITH R

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
120	2011 CEDAR SPRINGS RD	TAYLOR LARRY W UNIT 505
121	2011 CEDAR SPRINGS RD	KEEP GARY D & ELIZABETH R
122	2011 CEDAR SPRINGS RD	LONTOS DEAN J APT 507
123	2011 CEDAR SPRINGS RD	SOLOMON GERALD APT 601
124	2011 CEDAR SPRINGS RD	MOORE ROBERT C & D KAYE
125	2011 CEDAR SPRINGS RD	MARTIN DAREN K
126	2011 CEDAR SPRINGS RD	JOHNSTON ZACHARY & NICOLE 604
127	2011 CEDAR SPRINGS RD	NESS LARRY E APT 606
128	2011 CEDAR SPRINGS RD	CRUZ PONCIANO D JR UNIT 607
129	2011 CEDAR SPRINGS RD	ULLRICH PETER D &
130	2011 CEDAR SPRINGS RD	PAREL S SCOTT
131	2011 CEDAR SPRINGS RD	WESTCOTT CHART H TRUSTEE
132	1999 MCKINNEY AVE	ARZOLA FERNANDEO L
133	1999 MCKINNEY AVE	MOORE F DAVID
134	1999 MCKINNEY AVE	ARROYO DEANNE ALYSSA
135	1999 MCKINNEY AVE	CHEN PHILIP
136	1999 MCKINNEY AVE	SMITH WALTER G & CAMPBELL KEVIN F
137	1999 MCKINNEY AVE	KALIL STEPHEN A & GAIL A PEISACH
138	1999 MCKINNEY AVE	GARRETT MICHAEL L & ANTOINETTE I
139	1999 MCKINNEY AVE	GANTI RISHI UNIT 601
140	1999 MCKINNEY AVE	JAIN ANISH K & JAIN ABNASH
141	1999 MCKINNEY AVE	HENDRICKSON DWIGHT ETAL UNIT 603
142	1999 MCKINNEY AVE	ANDERSON MELISA ANN D
143	1999 MCKINNEY AVE	CURTIS AUDREY A
144	1999 MCKINNEY AVE	STALEY MARY
145	1999 MCKINNEY AVE	REID ROBERT & DAHLIA REID UNIT 607
146	1999 MCKINNEY AVE	HUTCHINSON WILLIAM L & SUZANNE S
147	1999 MCKINNEY AVE	SHARP THOMAS L
148	1999 MCKINNEY AVE	DEANE BELINDA
149	1999 MCKINNEY AVE	BUGG ROBERT C #803
150	1999 MCKINNEY AVE	SALES SUSAN CAROLINE

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
151	1999 MCKINNEY AVE	MEDINA MICHAEL A
152	1999 MCKINNEY AVE	KAYE JONATHAN D
153	1999 MCKINNEY AVE	1999 MCKINNEY AVE#807 LAND TRUST 182A-PM
154	1999 MCKINNEY AVE	STUVE OLAF & CHERYL WHITE
155	1999 MCKINNEY AVE	WERBNER MARK
156	1999 MCKINNEY AVE	RUVALCABA RICK & MICHELLE SUITE 1002
157	1999 MCKINNEY AVE	ARNOLD VANCE M ETAL
158	1999 MCKINNEY AVE	MYERSCOUGH PATRICK J APT 305
159	1999 MCKINNEY AVE	CAIRE JACQUELINE #1005
160	1999 MCKINNEY AVE	HOLLOCK MARY # 1006
161	1999 MCKINNEY AVE	MOORE LARRY H & DORRINE B MOORE
162	1999 MCKINNEY AVE	SCHUBERT FRANK B & SCHUBERT LISA H
163	1999 MCKINNEY AVE	NADLER ERIC
164	1999 MCKINNEY AVE	JONES RUSSELL T & LAUREN B MONTI-JONES
165	1999 MCKINNEY AVE	UDASHEN ROBERT & KAREN S # 1203
166	1999 MCKINNEY AVE	HAINES CAPITAL GROUP LLC WM B HAINES
167	1999 MCKINNEY AVE	OREILLY MATTHEW
168	1999 MCKINNEY AVE	DALE BRUCE APT 1206
169	1999 MCKINNEY AVE	BRINK RICHARD R & GAYLE H BRINK
170	1999 MCKINNEY AVE	OBERING MIHOKO K UNIT 1208
171	1999 MCKINNEY AVE	BRADFORD TED R
172	1999 MCKINNEY AVE	BRUNT WILLIAM B
173	1999 MCKINNEY AVE	WOMACK STEVEN W
174	1999 MCKINNEY AVE	CAIRE MARY UNIT 1405
175	1999 MCKINNEY AVE	HOWREY DANIEL L
176	1999 MCKINNEY AVE	EDMISTON ANGIE L UNIT 1407
177	1999 MCKINNEY AVE	CLB PARTNERS, LTD.
178	1999 MCKINNEY AVE	ABINGTON TOM E & GLYNDA C APT 1603
179	1999 MCKINNEY AVE	WHITE JIM
180	1999 MCKINNEY AVE	MYERSCOUGH DAVID TRUSTEE %PATRICK J MYER
181	1999 MCKINNEY AVE	WINTER F DAVID JR & RENEE

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
182	1999 MCKINNEY AVE	ETTER THEODORE F JR # 1608
183	1999 MCKINNEY AVE	LOMAT INVESTMENTS INC
184	1999 MCKINNEY AVE	TABBAL GEORGES
185	1999 MCKINNEY AVE	HORTON EMILY UNIT 1807
186	1999 MCKINNEY AVE	PRITCHARD JOHNNY G & MARY DIANE
187	1999 MCKINNEY AVE	ASHMORE GLEN A
188	1999 MCKINNEY AVE	EISENSTEIN ABRAM & UNIT 2006
189	1999 MCKINNEY AVE	1999 MCKINNEY AVE#2007 LAND TRUST 182A-P
190	1999 MCKINNEY AVE	LEDBETTER FINLEY & JONI APT 2008
191	2000 MCKINNEY AVE	2000 MCKINNEY INVESTMENT 3300 LINCOLN PL
192	2000 MCKINNEY AVE	PARKSIDE RESIDENTIAL LP SUITE 1000
193	2400 OLIVE ST	CRESCENT TOWER RESIDENCES LP STE 2100
194	2555 PEARL ST	LARRAC INV LLC
195	2555 PEARL ST	MAKKER VISHAL JAMES
196	2555 PEARL ST	HENDRICKS JAMES P & BRIGHT LORIE LYNN
197	2555 PEARL ST	ALEXANDER GREG
198	2555 PEARL ST	AMENDED AND RESTATED DAGNON REV TRUST
199	2555 PEARL ST	DIXON GENE JR & VICTORIA
200	2555 PEARL ST	STEPHANIAN EDIC
201	2555 PEARL ST	TRANSATLANTIC TRUST
202	2555 PEARL ST	THELIN THOMAS
203	2555 PEARL ST	ZOYS GEORGE N
204	2555 PEARL ST	VEERARAGHAVAN UMA & KRISHNA
205	2555 PEARL ST	WEIMER BRETT & AUDREA WEIMER
206	2555 PEARL ST	RITZ TOWER 405 LLC
207	2555 PEARL ST	CLARKE DIEN S & FRED E III
208	2555 PEARL ST	HENRY JAMES J & PATRICIA M
209	2555 PEARL ST	DECAMILLIS ANTHONY J & DANA R
210	2555 PEARL ST	HASHEM OMAR & MIASSAR
211	2555 PEARL ST	FABER CAREY E
212	2555 PEARL ST	WILKINS LINDA A TR THE PINK DIAMOND TRUS

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
213	2555 PEARL ST	WORTLEY MICHAEL D & PATRICIA
214	2555 PEARL ST	LEVY MARLON & LEVY JENNIFER
215	2555 PEARL ST	WILKINS LINDA A TR
216	2555 PEARL ST	MUSSULMAN DANIEL G #701
217	2555 PEARL ST	CLAUSE CARL & ROSALIE
218	2555 PEARL ST	WHITENER CHARLES N III & REIKO
219	2555 PEARL ST	WILLIAMS KEVIN
220	2555 PEARL ST	HOLMES CHARLTON C
221	2555 PEARL ST	CHALMERS DONALD L & DIANNE M
222	2555 PEARL ST	CLARK PHILIP L & PATRICIA G
223	2555 PEARL ST	HEEBE ADREA D
224	2555 PEARL ST	KLAASSEN LIVING TRUST UNIT 2200
225	2555 PEARL ST	RODER RICHARD
226	2555 PEARL ST	BEREZINA VICTORIA
227	2555 PEARL ST	DAVIS JACOB
228	2555 PEARL ST	THE KEN CARLILE 2004 TRUST
229	2555 PEARL ST	1204 1205 LLC
230	2555 PEARL ST	SNEAD RICHARD & MARILYN UNIT 1402
231	2555 PEARL ST	LAM SAMUEL M MD STE 101
232	2555 PEARL ST	LAZOF FAMILY TRUST
233	2555 PEARL ST	SIKKEL MARK
234	2555 PEARL ST	FULTON FRED W TRUSTEE THE RC TRUST
235	2555 PEARL ST	PLASTININA KIRA
236	2555 PEARL ST	DARVISHSEFAT FARID YU STE 306
237	2555 PEARL ST	SHINN LLOYD & BARBARA SHINN
238	2555 PEARL ST	KAPLAN GABRIEL TR GABRIEL KAPLAN REV TR
239	2555 PEARL ST	REESJONES TREVOR
240	2555 PEARL ST	VAN WOLFSWINKEL RANDALL